




3 1761 11970737 0



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119707370>

CA1
Y1
D32



CANADA



Debates of the Senate

2nd SESSION

• 39th PARLIAMENT

• VOLUME 144

• NUMBER 1

OFFICIAL REPORT
(HANSARD)

Tuesday, October 16, 2007

**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, October 16, 2007

[Translation]

THIRTY-NINTH PARLIAMENT OPENING OF SECOND SESSION

Parliament having been summoned by proclamation to meet this day for the dispatch of business:

The Senate met at 2 p.m., the Speaker in the chair.

COMMUNICATION FROM GOVERNMENT HOUSE

The Hon. the Speaker: Honourable senators, I have the honour to inform you that I have received the following communication from Government House which reads as follows:

RIDEAU HALL

October 9, 2007

Mr. Speaker

I have the honour to inform you that Her Excellency the Right Honourable Michaëlle Jean, Governor General of Canada and His Excellency Jean Daniel Lafond will arrive at the Peace Tower at 6:35 p.m. on Tuesday, the 16th day of October, 2007.

When it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the Second Session of the Thirty-Ninth Parliament of Canada.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

NEW SENATOR

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that Bert Brown has been summoned to the Senate:

INTRODUCTION

The Hon. the Speaker having informed the Senate that there was a senator without, waiting to be introduced:

The following honourable senator was introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and was seated:

Hon. Bert Brown, of Kathryn, Alberta, introduced between Hon. Marjory LeBreton, P.C., and Hon. Terry Stratton.

The Hon. the Speaker informed the Senate that the honourable senator named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

[Translation]

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That the Senate do now adjourn until 6:35 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to 6:35 p.m.

[English]

SECOND SITTING

The Senate met at 6:35 p.m., the Speaker in the chair.

The Hon. the Speaker: As there is no business before the Senate, is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

The Senate adjourned during pleasure.

SPEECH FROM THE THRONE

At 7 p.m., Her Excellency the Governor General proceeded to the Senate Chamber and took her seat upon the Throne. Her Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, Her Excellency was pleased to open the Second Session of the Thirty-ninth Parliament of Canada with the following speech:

[Translation]

Honourable Senators,

Members of the House of Commons,

Ladies and Gentlemen,

[English]

I would like to address the first words in this chamber to the members of the Canadian Forces, some of whom are present here today. Their commitment and courage in the name of justice, equality and freedom — whose benefits are not accorded to all peoples in the world — are worthy of our utmost respect.

The Speech from the Throne is an important moment in our country's democratic life. Through the Speech from the Throne, the Government shares its vision with Canadians. And it is thus that we open the Second Session of the Thirty-ninth Parliament today.

Fifty years ago, on October 14, 1957, during her first visit to Canada as its Sovereign, and for the first time in Canadian history, Her Majesty Queen Elizabeth II opened the First Session of the Twenty-third Parliament.

[Translation]

This room is filled with history, and we mark history again this year as we celebrate a number of anniversaries. I think, in particular, of the bicentenary of the Abolition of the Slave Trade Act in the British Empire. I also think of the 60th anniversary of the adoption of the Citizenship Act on January 1, 1947. And I think of the 40th anniversary of the Order of Canada, whose one hundredth investiture ceremony we will soon be celebrating at Rideau Hall.

And although Canada is a young country, its history is marked by our unwavering willingness — which I was touched to see all across Canada — to be and to continue to be a generous society. A society that is concerned about the well being of others. A society that is protective of the spirit of this bountiful land, a deep respect learned from Aboriginal peoples. A society that is committed to finding solutions to today's challenges. A society that is open to creation and quick to innovate. A society that is filled with young people who have an unprecedented openness to the world.

[English]

STRONG LEADERSHIP. A BETTER CANADA.

Canada is the greatest country in the world, a nation of enormous potential built through the imagination and dedication of ordinary Canadians. Canadians who have worked hard to build a better life for their families. Canadians who have joined with their neighbours to create a society founded on peace and prosperity.

Canada is their legacy to us.

Canadians expect their government to help them build on this legacy. They want a government that sets clear goals and delivers concrete results. A government that is accountable. A government that puts Canadians and their families first.

[Translation]

Our Government has worked hard to meet these expectations. Canadians now have more money in their pockets because taxes have been cut. Families now have real choice in child care through the Universal Child Care Benefit. Canadians now have a government committed to helping them get the medical care they need more quickly. A government that is tackling crime and making neighbourhoods safer.

The results are clear: the economy is strong, the government is clean and the country is united.

[English]

Now is the time to continue building a better Canada. In the next session, our Government will focus on five clear priorities: strengthening Canada's sovereignty and place in the world; building a stronger federation; providing effective economic leadership; continuing to tackle crime; and improving our environment.

STRENGTHENING CANADA'S SOVEREIGNTY AND PLACE IN THE WORLD

Canada is built on a common heritage of values, which Canadians have fought and died to defend. It is a country that continues to attract newcomers seeking refuge and opportunity, who see Canada as a place where they can work hard, raise families and live in freedom. Our Government is resolved to uphold this heritage by protecting our sovereignty at home and living by our values abroad.

The Arctic is an essential part of Canada's history. One of our Fathers of Confederation, D'Arcy McGee, spoke of Canada as a northern nation, bounded by the blue rim of the ocean. Canadians see in our North an expression of our deepest aspirations: our sense of exploration, the beauty and the bounty of our land, and our limitless potential.

But the North needs new attention. New opportunities are emerging across the Arctic, and new challenges from other shores. Our Government will bring forward an integrated northern strategy focused on strengthening Canada's sovereignty, protecting our environmental heritage, promoting economic and social development, and improving and devolving governance, so that northerners have greater control over their destinies.

To take advantage of the North's vast opportunities, northerners must be able to meet their basic needs. Our Government will work to continue to improve living conditions in the North for First Nations and Inuit through better housing.

Our Government will build a world-class Arctic research station that will be on the cutting edge of Arctic issues, including environmental science and resource development. This station will be built by Canadians, in Canada's Arctic, and it will be there to serve the world.

As part of asserting sovereignty in the Arctic, our Government will complete comprehensive mapping of Canada's Arctic seabed. Never before has this part of Canada's ocean floor been fully mapped.

Defending our sovereignty in the North also demands that we maintain the capacity to act. New Arctic patrol ships and expanded aerial surveillance will guard Canada's Far North and the Northwest Passage. As well, the size and capabilities of the Arctic Rangers will be expanded to better patrol our vast Arctic territory.

Ensuring our capacity to defend Canada's sovereignty is at the heart of the Government's efforts to rebuild the Canadian Forces. Canada's men and women in uniform risk their lives for their country, and deserve the equipment and training required for a first-class, modern military. Our Government will modernize Canada's military to provide effective surveillance and protection for all of our country, cooperate in the defence of North America, and meet our responsibilities abroad to the United Nations and our allies. Further, recognizing the important role that the Reserves play in this modernization, our Government will work with the provinces and territories to bring forward a comprehensive plan to modernize reservist reinstatement policies.

At the same time as our Government rebuilds to meet our future needs, it will continue to improve support for our veterans who have contributed so much to defending Canada in the past.

[Translation]

Rebuilding our capabilities and standing up for our sovereignty have sent a clear message to the world: Canada is back as a credible player on the international stage. Our Government believes that focus and action, rather than rhetoric and posturing, are restoring our influence in global affairs. Guided by our shared values of democracy, freedom, human rights and the rule of law, our Government will continue Canada's international leadership through concrete actions that bring results.

[English]

A commitment to action means that Canada must make common cause with those fighting for the values we uphold. Our Government will immediately call upon Parliament to confer honorary citizenship on Aung San Suu Kyi. Her long struggle to bring freedom and democracy to the people of Burma has made her the embodiment of these ideals and an inspiration to all of us.

[Translation]

Nowhere is Canada making a difference more clearly than in Afghanistan. Canada has joined the United Nations-sanctioned mission in Afghanistan because it is

noble and necessary. Canadians understand that development and security go hand in hand. Without security, there can be no humanitarian aid, no reconstruction and no democratic development. Progress will be slow, but our efforts are bearing fruit. There is no better measure of this progress than the four million Afghan boys and two million girls who can dream of a better future because they now go to school.

[English]

The Canadian Forces mission in Afghanistan has been approved by Parliament until February 2009, and our Government has made clear to Canadians and our allies that any future military deployments must also be supported by a majority of parliamentarians. In the coming session, members will be asked to vote on the future of the Canadian mission in Afghanistan. This decision should honour the dedication and sacrifice of Canada's development workers, diplomats and men and women in uniform. It should ensure that progress in Afghanistan is not lost and that our international commitments and reputation are upheld.

Our Government does not believe that Canada should simply abandon the people of Afghanistan after February 2009. Canada should build on its accomplishments and shift to accelerate the training of the Afghan army and police so that the Afghan government can defend its own sovereignty. This will not be completed by February 2009, but our Government believes this objective should be achievable by 2011, the end of the period covered by the Afghanistan Compact. Our Government has appointed an independent panel to advise Canadians on how best to proceed given these considerations.

In our own neighbourhood, the Americas, Canada is back playing an active role. The Canadian model of constitutional democracy and economic openness combined with social safety nets, equitable wealth creation and sharing across regions has much to offer those countries struggling to build a better future.

[Translation]

Canada's efforts in Haiti are a compelling example of how we can work with our neighbours to ensure security and development. Canadians understand that our country has a responsibility to help countries struggling to make a better life for their people — particularly in promoting democratic governance in fragile states. In Haiti and elsewhere, our Government will bring greater focus and effectiveness to Canada's international assistance to ensure that Canadians' money is well spent.

The best hope for fostering development and our common security in the hemisphere and beyond is through bolstering international trade. Through renewed focus on trade and investment arrangements, Canada has already secured a deal with the European Free Trade Association, the first new agreement in more than half a decade. Our Government will keep advancing Canada's trade interests in the Americas and around the world to open up new markets for Canada's innovators.

STRENGTHENING THE FEDERATION AND OUR DEMOCRATIC INSTITUTIONS

Next year we mark important anniversaries spanning our country and its history. We will celebrate the 400th anniversary of the founding of Quebec City. Canada was born in French, reflected in the presence of francophones throughout Canada, and in Parliament's recognition that the Québécois form a nation within our united country.

[English]

We will also celebrate the 250th anniversary of the establishment of Nova Scotia's representative assembly, which marks the birth of Canadian parliamentary democracy, and the 150th anniversary of the founding of the Crown Colony of British Columbia.

John A. Macdonald, George-Étienne Cartier and the other Fathers of Confederation brought many peoples and regions together to create a federation that has served Canadians well for 140 years.

[Translation]

Our Government is committed to strengthening that union: it has concentrated on its national role by reinvesting in neglected federal responsibilities, such as trade, defence, public safety and security. It has put fiscal relations with provinces and territories on a principled basis and increased the level of transfers to support quality health care and social services.

Our Government believes that the constitutional jurisdiction of each order of government should be respected. To this end, guided by our federalism of openness, our Government will introduce legislation to place formal limits on the use of the federal spending power for new shared-cost programs in areas of exclusive provincial jurisdiction. This legislation will allow provinces and territories to opt out with reasonable compensation if they offer compatible programs.

[English]

Our Government will also pursue the federal government's rightful leadership in strengthening Canada's economic union. Despite the globalization of markets, Canada still has a long way to go to establish free trade among our provinces. It is often harder to move goods and services across provincial boundaries than across our international borders. This hurts our competitive position but, more importantly, it is just not the way a country should work. Our Government will consider how to use the federal trade and commerce power to make our economic union work better for Canadians.

Canadians understand that the federation is only as strong as the democratic institutions that underpin it. Our Government believes that Canada is not well served by the Senate in its current form. To ensure that our institutions reflect our shared commitment to democracy, our

Government will continue its agenda of democratic reform by reintroducing important pieces of legislation from the last session, including direct consultations with voters on the selection of Senators and limitations on their tenure.

[Translation]

In addition, the integrity of our federal voting system will be further strengthened through measures to confirm the visual identification of voters.

Our Government supports Canada's linguistic duality. It will renew its commitment to official languages in Canada by developing a strategy for the next phase of the Action Plan for Official Languages.

[English]

Our Government remains committed to improving the lives of Canada's Aboriginal people. The Government will reintroduce legislation to guarantee to people living on reserve the same protections other Canadians enjoy under the *Canadian Human Rights Act*. Our Government will also present legislation on specific claims, which will finally bring fairness and timely resolution to the claims process.

Our Government recently concluded a final settlement on Indian Residential Schools and will launch a commission for truth and reconciliation. The Prime Minister, on behalf of our Government, will use this occasion to make a statement of apology to close this sad chapter in our history.

PROVIDING EFFECTIVE ECONOMIC LEADERSHIP FOR A PROSPEROUS FUTURE

This is a time of economic uncertainty and volatility in the wider world. While the economic fundamentals of our country are strong, Canada is not immune from this turbulence. Canadians understand these challenges and want a government that is a competent and effective manager of the economy.

With *Advantage Canada*, our Government has laid out a sensible economic plan to secure better-paying jobs and solid growth for Canadians. The Minister of Finance will soon provide a Fall Economic and Fiscal Update, which will outline the next steps in that plan to ensure that Canada has a modern infrastructure, an innovative and entrepreneurial business environment, and a tax system that rewards hard work — all based on a foundation of sound fiscal management.

As part of ensuring economic security for Canadians, our Government will bring forward a long-term plan of broad-based tax relief for individuals, businesses and families — including following through on its commitment to a further cut to the GST. To complement this, our Government will support Canadian researchers and innovators in developing new ideas and bringing them to the marketplace through Canada's Science and Technology Strategy.

[Translation]

Our Government will improve the protection of cultural and intellectual property rights in Canada, including copyright reform. Our Government will also take measures to improve the governance and management of the Employment Insurance Account.

[English]

The bedrock of our workforce is middle-class Canadians and their families. These families worry about the rising costs of higher education and the expense of caring for elderly parents. They worry about affordable housing and the number of homeless people on our streets.

[Translation]

Our Government is committed to helping Canadian families meet their needs. The Working Income Tax Benefit will help Canadians get back into the workforce, and the registered disability savings plan will help families care for children with severe disabilities. Our Government will continue to invest in our families and our future, and will help those seeking to break free from the cycles of homelessness and poverty.

[English]

Our Government will announce an infrastructure program, the Building Canada Plan, to support our long-term growth. By investing in our transport and trade hubs, including the Windsor—Detroit corridor and the Atlantic and Pacific gateways, our Government will help rebuild our fundamentals for continued growth.

The result will be safer roads and bridges, shorter commutes, more competitive business, improved cultural infrastructure and a better quality of life for all Canadians.

[Translation]

Our Government will stand up for Canada's traditional industries. Key sectors including forestry, fisheries, manufacturing and tourism are facing challenges. Our Government has taken action to support workers as these industries adjust to global conditions and will continue to do so in the next session.

[English]

The agricultural sector will benefit from our Government's promotion of biofuels and the new Growing Forward agricultural framework. Our Government will recognize the views of farmers, as expressed in the recent plebiscite on barley, by enacting marketing choice. Together with our Government's strong support for Canada's supply-managed system, these approaches will deliver stable, predictable and bankable support for farm families.

Our mining and resource sectors present extraordinary opportunities across Canada, and our Government will help move forward by providing a single window for major project approvals. With these increased opportunities for

employment, our Government will continue to foster partnerships that help Aboriginal people get the skills and training to take advantage of these job prospects in the North and across Canada.

[Translation]

TACKLING CRIME AND STRENGTHENING THE SECURITY OF CANADIANS

Canada was founded on the principles of peace, order and good government. This is the birthright of all Canadians; yet Canadians feel less safe today and rightly worry about the security of their neighbourhoods and the country. There is no greater responsibility for a government than to protect this right to safety and security.

[English]

In the last session, our Government introduced important and timely legislation to tackle violent crime. Unfortunately much of this legislation did not pass. That is not good enough to maintain the confidence of Canadians. Our Government will immediately reintroduce these measures with a single, comprehensive Tackling Violent Crime bill to protect Canadians and their communities from violent criminals and predators. This will include measures on the age of protection, impaired driving, dangerous offenders and stricter bail and mandatory prison sentences for those who commit gun crimes. Canadians expect prompt passage of this crucial legislation.

Our Government will go further with a Safer Communities strategy to deal with the critical intersection of drug, youth and property crime. Our Government will strengthen the *Youth Criminal Justice Act* to ensure that young offenders who commit serious crimes are held accountable to victims and their communities. Our Government will introduce tough new laws to tackle property crime, including the serious problem of auto theft. New measures to address elder abuse and to curb identity theft will also be introduced. Our Government will implement the National Anti-Drug Strategy giving law enforcement agencies powers to take on those who produce and push drugs on our streets.

In addition to tougher laws, our Government will provide targeted support to communities and victims. It will help families and local communities in steering vulnerable youth away from a life of drugs and crime, and the Anti-Drug Strategy will help to treat those suffering from drug addiction. It will again ask Parliament to repeal the wasteful long-gun registry. Our Government will also ensure effective law enforcement — starting with resources to recruit 2,500 more officers to police our streets.

The concern of Canadians in protecting our communities extends naturally to protecting our country against threats to our national security: those who would attack the peaceful pluralism of our society through acts of terrorism. Canada has experienced the tragedy of terrorism before. The report from the public inquiry into the Air India bombing will be an important contribution to safeguarding the lives of Canadians in the future.

Our Government will address Canadians directly on the challenge of protecting our free and open society with a statement on national security. The Government will introduce legislation to make sure that Canada has the tools it needs to stop those who would threaten our cities, communities and families, including measures to strengthen the *Anti-Terrorism Act* and to respond to the Supreme Court decision on security certificates.

[Translation]

IMPROVING THE ENVIRONMENT AND HEALTH OF CANADIANS

Threats to our environment are a clear and present danger that now confronts governments around the world. This is nowhere more evident than in the growing challenge of climate change.

Our Government believes that action is needed now to ensure our quality of life, particularly for those most vulnerable to health threats from the environment — our children and seniors.

Climate change is a global issue and requires a global solution. Our Government believes strongly that an effective global approach to greenhouse gas emissions must have binding targets that apply to all major emitters, including Canada. Canada has already engaged the international community at APEC, the G8 and the United Nations and will continue to press for a new international agreement that cuts global emissions in half by 2050.

As we pursue a global consensus, Canada is acting even more aggressively at home. Our Government will implement our national strategy to reduce Canada's total greenhouse gas emissions 60 to 70 percent by 2050. There will be a 20 percent reduction by 2020. Our Government will bring forward the elements from Canada's Clean Air Act, which had all-party consensus, for parliamentary consideration.

[English]

This strategy will institute binding national regulations on greenhouse gas emissions across all major industrial sectors — with requirements for emissions reductions starting this year. Our Government will also bring forward the first-ever national air pollution regulations. In so doing, our Government will put Canada at the forefront of clean technologies to reduce air pollution and greenhouse gas emissions. Our Government will also establish a carbon emissions trading market that will give business the incentive to run cleaner, greener operations.

At the end of 2005, Canada's greenhouse gas emissions were 33 percent above the Kyoto commitment. It is now widely understood that, because of inaction on greenhouse gases over the last decade, Canada's emissions cannot be brought to the level required under the Kyoto Protocol within the compliance period, which begins on January 1, 2008, just 77 days from now.

The world is moving on to address climate change and the environment, and Canada intends to help lead the effort at home and abroad.

Beyond regulating greenhouse gases and air pollution, our Government has also acted to protect sensitive areas, including a massive expansion of Nahanni National Park, and preserving the Great Bear Rainforest, Point Pleasant Park and Stanley Park. Through our new infrastructure plan, our Government will promote a cleaner environment by investing in public transport and water treatment, and by cleaning up contaminated sites. A new water strategy will be implemented to help clean up our major lakes and oceans and to improve access to safe drinking water for First Nations.

[Translation]

In the past, environmental legislation and regulation have had little impact because they have lacked an effective enforcement regime. In the coming session, our Government will bolster the protection of our water and land through tougher environmental enforcement that will make polluters accountable.

[English]

Environmental protection is not just about protecting nature. It is about the health of Canadians. Recent events have called into question the safety of basic products such as food for our families and toys for our children.

Our Government shares the concern of parents about the safety of consumer products and food. Canadians should expect the same standards of quality from imported goods as they do from products made at home. The Government will introduce measures on food and product safety to ensure that families have confidence in the quality and safety of what they buy.

CONCLUSION: THE NORTH STAR

Canadians can be proud of their country and its achievements. Working together we have built a nation that is prosperous and safe; a land where merit trumps privilege; a place where people from around the world live in harmony; a federation that is united at home and respected abroad.

Like the North Star, Canada has been a guide to other nations; through difficult times, Canada has shone as an example of what a people joined in common purpose can achieve. Yet Canada's greatest strength lies in its energy and determination to move forward and build a better future.

[Translation]

Our Government is committed to strong leadership to realize that future. A Canada proud of its leadership in the world and confident in its economic future. A Canada built on a strong federation and a robust democracy. A Canada that is safe for our families and healthy for our children.

Canadians, standing on a proud history, look onto a horizon as limitless as the promise of our country. It is up to us to build on the legacy we have inherited, to seize the opportunities of the future, and to bring about an even better Canada for our children.

[English]

May your deliberations be guided by Divine Providence, may your wisdom and patriotism enlarge the prosperity of the country and promote in every way the well-being of its people.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

[Translation]

The sitting was resumed.

RAILWAYS BILL

FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-1, relating to railways.

Bill read first time.

[English]

SPEECH FROM THE THRONE

CONSIDERATION AT NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this speech be taken into consideration?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved:

That the speech of Her Excellency the Governor General delivered this day from the Throne to the two Houses of Parliament be taken into consideration at the next sitting.

Motion agreed to.

COMMITTEE OF SELECTION

MOTION TO APPOINT ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved:

That, pursuant to rule 85(1), the Honourable Senators Bacon, Carstairs, P.C., Cowan, Fairbairn, P.C., Fraser, Nancy Ruth, Segal, Stratton and Tkachuk be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore* and (b) the Senators to serve on the several select committees, except the Committee on Conflict of Interest for Senators, during the present Session. The Committee of Selection will report with all convenient speed the names of the Senators so nominated.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, October 17, 2007 at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(October 16, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Revenue
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. Jim Prentice	Minister of Industry
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Foreign Affairs
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of Canadian Heritage, Status of Women and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)
The Hon. Diane Ablonczy	Secretary of State (Small Business and Tourism)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(October 16, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.
Bert Brown	Alberta	Kathryn, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 16, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Brown, Bert	Alberta	Kathyrn, Alta.	Conservative
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoïne	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(October 16, 2007)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23	
24	

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Pat Carney, P.C.	British Columbia	Vancouver
2 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
3 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
4 Mobina S.B. Jaffer	British Columbia	North Vancouver
5 Larry W. Campbell	British Columbia	Vancouver
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathryn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1		

CONTENTS

Tuesday, October 16, 2007

	PAGE		PAGE
THIRTY-NINTH PARLIAMENT		Speech from the Throne	1
OPENING OF SECOND SESSION		Railways Bill (Bill S-1)	
Communication from Government House		First Reading.	
The Hon. the Speaker.	1	Hon. Gerald J. Comeau	7
New Senator		Speech from the Throne	
The Hon. the Speaker.	1	Consideration at Next Sitting.	
Introduction.		The Hon. the Speaker.	7
The Hon. the Speaker.	1	Hon. Gerald J. Comeau	7
Adjournment		Committee of Selection	
Hon. Gerald J. Comeau	1	Motion to Appoint Adopted	7
Second Sitting		Appendix	i
The Hon. the Speaker.	1		



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

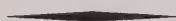
VOLUME 144

•

NUMBER 2

OFFICIAL REPORT
(HANSARD)

Wednesday, October 17, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, October 17, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

AFGHANISTAN—FALLEN SOLDIERS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would invite senators to rise and observe one minute of silence in memory of Captain Matthew Johnathan Dawe, Master Corporal Colin Bason, Corporal Cole Bartsch, Private Lane Watkins, Captain Jefferson Francis, Corporal Jordan Anderson, Private Simon Longtin, Master Warrant Officer Mario Mercier, Master Corporal Christian Duchesne, Major Raymond Ruckpaul, and Corporal Nathan Hornburg, whose tragic deaths occurred this past summer while serving their country in Afghanistan.

Honourable senators then stood in silent tribute.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I have the honour to draw to your attention the presence in the gallery of Her Excellency Jozefina Topalli, Speaker of the Parliament of the Republic of Albania. Her Excellency is accompanied by her husband, Tony Topalli, as well as several members of the distinguished Parliament of Albania, including Mr. Leonard Demi, M.P.; Mr. Rexhep Uka, M.P.; Mr. Blendi Klosi, M.P.; Mr. Pal Dajci, M.P.; and Mr. Gjovalin Prenga, M.P.

Our distinguished colleagues from Albania are accompanied by His Excellency the Ambassador of Albania to Canada.

We welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

THE HONOURABLE BERT BROWN

WELCOME TO THE SENATE

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it gives me great pleasure this afternoon to formally introduce to the Senate of Canada our new colleague, the Honourable Bert Brown. Senator Brown will represent the province of Alberta in this chamber.

Throughout our country, Bert Brown's name is closely identified with Senate reform. It has been well over 20 years since he used a tractor to plough the words "Triple E or Else" in a neighbour's barley field. In the following years, he has stayed true

to his beliefs and has promoted the importance of Senate reform both within his home province and across the country.

Bert Brown has practiced what he has preached by putting himself forward as a candidate for a Senate seat. In 2004, he placed first in the province's Senate elections, receiving the support of over 300,000 of his fellow Albertans — a level of public support that most politicians can only dream of obtaining.

• (1410)

Bert Brown is the only Canadian to be elected twice as a senator in waiting, having also won election in 1998. Two decades since his journey began, Senator Brown follows in the footsteps of our late colleague the Honourable Stan Waters as the second person to be appointed to this chamber following election by the people in the province of Alberta. I am proud to note that both elected senators were appointed by Conservative governments.

In addition to his steadfast commitment to democratic reform, Bert Brown comes to the Senate of Canada with a wide variety of other interests and expertise. He is a property development consultant, a retired farmer and a former newspaper columnist. He has been deeply involved in his community, including serving as Director of the Calgary Chamber of Commerce. In 2003, Senator Brown was awarded the Alberta Centennial Medal in recognition of the significant contributions he has made to the province.

Honourable senators, I cannot let the moment pass without noting that Bert's wife Alice, who is in the gallery, once served on the Advisory Council on the Status of Women, and it is a pleasure to see Alice here and to meet their daughter.

In July, our Prime Minister, the Right Honourable Stephen Harper, said:

For more than 20 years, Bert has been a passionate and persuasive advocate for the democratization of the Senate. Selected by those whom he is set to represent, I have no doubt that he will serve Alberta and its interests well.

To that we could add Canada's interests.

Honourable senators, I agree with the words of our Prime Minister. On behalf of his caucus colleagues, the Conservative Party of Canada, and I am sure on behalf of us all, I extend our very best wishes to Senator Brown as he takes on his new work and responsibilities in the Senate of Canada.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I wish to welcome at the beginning of the Second Session of the Thirty-ninth Parliament a new senator from my home province of Alberta. Senator Brown resides in Kathryn, Alberta, just northeast of Calgary. Prior to this he lived nearby in Balzac, which, for those who do not know, is a hamlet along the Calgary-Edmonton corridor with rolling plains and a clear view of the majestic Rocky Mountains.

Senator Brown was a farmer and is now a zoning and property development consultant in Calgary. In 2005, Senator Brown received the Alberta Centennial Medal in recognition of his significant contributions to the province. I am proud to say that four Alberta senators share this great honour.

It should be noted that Senator Brown is not the only accomplished member of the Brown clan. Senator Brown's wife Alice also has a long history of public service and civic engagement. In 1998, in recognition of her contribution to the quality of life of women in Canada, Ms. Brown received the Governor General's Award in commemoration of the *Persons* case.

There can be no doubt, honourable senators, that Senator Brown is a committed and persistent democrat. Rather than sitting on the sidelines or opting out, Senator Brown has worked within the existing Canadian political system in order to bring about the changes and reforms he believed in. Though I sit across from him today, divided by party and some differences of opinion, I recognize in Senator Brown a man who has the interests of his province at heart. Senator Brown, on behalf of your fellow senators from Alberta, as well as the members of Her Majesty's Loyal Opposition in the Senate, I again welcome and congratulate you on your appointment to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

THE HONOURABLE ANDRÉE CHAMPAGNE

RECOVERY FROM ILLNESS

Hon. Andrée Champagne: Honourable senators, I would like to say how happy I am to be here today. After being away for nearly eight months, I find that the privilege we have to sit in the Senate of Canada has again taken on an importance that we sometimes find it all too easy to forget.

Your thoughts and prayers helped me out of the abyss from which no one, except my husband, believed I would emerge one day. To all your questions, I have a short answer: septicemia caused by meningococcal bacteria left me in a coma for 42 days, with all the attendant problems.

• (1415)

Rarely today is anyone hospitalized for as long as 65 consecutive days.

Although I have recovered the reflex to breathe and relearned how to walk, move my fingers and find the words for things most of the time, I am still convalescing. My kidneys, which for too long were dependent on machines to function, my heart, which repeatedly suffered septic shock and is recovering from an infarction, and my memory, too, are all still healing. As a result, it will be a few more months before I can resume working at the same pace as you, the same pace I worked at early this year. I am counting on all of you to let me return to work gradually. Thank you in advance for your understanding and your friendship.

In closing, I would like to express a wish. It is my fervent wish that you will join with me to convince Health Canada to ensure that, before leaving the country, all members of Parliament and senators and all the officials who travel with us on missions are immunized against all known strains of meningococcal bacteria. Clearly, meningococcus does not just strike children and adolescents. I, a grandmother, am proof of that, and no one should have to go through what I did.

Yes, I survived, thanks to the miracle of modern medicine. The love of my family and friends helped a great deal as well. But who knows, you might not have been as lucky.

[English]

Dear friends, today my vocal chords will not let me sing, my feet show only nine toes, but I feel so lucky to be alive and so happy to be here!

Hon. Senators: Hear, hear!

[Translation]

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Rose-Marie Losier Cool: Honourable senators, today, October 17, is the International Day for the Eradication of Poverty. I would like to speak briefly about poverty in Canada, and particularly about children living in poverty and also parents, since poor children do not come from rich parents.

[English]

This past September 11, a comprehensive policy report on child poverty in Canada was released by Campaign 2000, a non-partisan network dedicated to ending child poverty. The author of the 48-page report, Professor Marvyn Novick, reminds us that we, as federal parliamentarians, have not lived up to our 1989 all-party promise to eliminate child poverty in Canada by the year 2000.

[Translation]

Honourable senators, still today, in 2007, 800 000 of our children, more than one out of every ten children, live in poverty. This proportion has not changed since we made the promise in 1989, almost 20 years ago. Statistics Canada sets the poverty line at an annual income of less than \$27 000 for a family of four. I think we can agree that that is not much to feed, clothe, house, educate and transport four people — sometimes difficult choices must be made.

The report examines the prevalence of poverty among our children, especially considering the unprecedented years of economic prosperity our country is experiencing.

[English]

Honourable senators, why must our children be hungry, cold and left aside when our country's Human Development Index is sixth in the world? Why does Canada still have poor kids when our gross domestic product is ranked eighth in the world and when our wealth per capita exceeds \$28 000?

[Translation]

The report proposes clear and integrated ways to deal with the problem of child poverty once and for all. Specifically, Campaign 2000 recommends that child poverty in Canada be reduced by at least 25 per cent by 2012 and by at least 50 per cent by 2017.

• (1420)

[English]

To reach this realistic goal, the federal government should up its Child Tax Benefit to \$5 100 per year. This increase alone would reduce the rate of child poverty in Canada by 37 per cent. The federal government should also increase its work tax credits.

[Translation]

Federal and provincial governments should guarantee a \$10 per hour minimum wage, make substantial investments in early childhood education and childcare, and put more money into social housing.

Furthermore, the provinces should expand their coverage for prescription drugs and dental care and enable families to take full advantage of the federal government's annual child benefit by not clawing it back from social assistance benefits paid to society's poorest families.

THE HONOURABLE BERT BROWN

WELCOME TO THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I would like to say a few words of welcome to the Honourable Bert Brown.

First, however, I would like to say how pleased I am that Senator Champagne is back with us. She is an inspiration to everyone who, like me, may one day need the courage to go through some very difficult times. I would like to thank her for her tremendously inspirational words.

I will welcome the Honourable Bert Brown in French to ensure that he understands my perspective. I have been waiting for a long time to welcome him warmly to this chamber.

I am looking forward to a public debate with him about the meaning of an equal, effective Senate. I believe that the Senate is effective. Contrary to what may have been said yesterday, I believe that the Senate has served Canada well, and I want to emphasize that point.

The honours bestowed on Honourable Senator Keon and the tributes paid to all honourable senators over the years are proof that they have made a significant contribution. It saddens me to hear anyone say that the Senate has not served Canada well. Such things could surely have been expressed another way.

People talk about an effective Senate, an equal Senate, and an elected Senate. The honourable senator and I have met, and I had the opportunity to discuss this issue with him briefly. Now I have

plenty of time to prepare for this debate with him. I think we would do well to explore the idea of holding a public debate here, as well as in Senator Brown's home province of Alberta.

[English]

I also wish Senator Brown's wife and family a warm and happy welcome. The atmosphere of the Senate, where we speak French and English, is beautiful and less unruly than the House of Commons. If any reform is necessary, for the moment I say the House of Commons is the one in great need of reform.

THE HONOURABLE WILBERT J. KEON, O.C.

CONGRATULATIONS ON INDUCTION INTO CANADIAN MEDICAL HALL OF FAME

Hon. Art Eggleton: Honourable senators, I rise as Chair of the Standing Senate Committee on Social Affairs, Science and Technology to recognize two members of our committee, but first, I extend a warm "welcome-back" to Senator Champagne. I am glad to see her on her feet again.

On the evening of October 2, it was my pleasure, as well as that of Senator Pépin, to attend in London, Ontario, the induction ceremony of the Honourable Senator Wilbert Keon into the Canadian Medical Hall of Fame.

Dr. Keon has had a long and distinguished career serving Canadians. Even before his appointment to the Senate in 1990, he was well known in the medical field, nationally and internationally for his work in cardiology and cardiac surgery.

• (1425)

He was the first Canadian heart surgeon to perform an artificial heart implant and the first Canadian infant heart transplant. He was the founder of the University of Ottawa Heart Institute in 1976. The institute was the culmination of a unique dream that was built into reality. He retired as president of the institute in April 2004.

In the Senate, he has been an avid contributor both in this chamber and on committees. He has brought his medical knowledge and taken a keen interest in the health of Canadians. He has demonstrated, time and again, that he cares for people and has a genuine interest in making their lives better. His work on the report *Out of the Shadows at Last*, dealing with mental health in Canada, has been acknowledged across the country.

I have had the privilege to work closely with Senator Keon on the Standing Senate Committee on Social Affairs, Science and Technology for the past year. Recently, he started a study through a subcommittee on the idea of population health, which focuses on the social determinants of health.

I remember sitting in Senator Keon's office a few months ago and him telling me that he was to be inducted in the hall of fame. I could see the pride in his eyes and the honour he felt. He was joining the likes of Dr. Frederick Banting and Dr. Wilder Penfield, pioneers in Canadian medicine, and Senator Keon deserves to join them. Well done, Senator and Dr. Keon!

ROUTINE PROCEEDINGS

NATIONAL ROUND TABLE ON THE ENVIRONMENT AND THE ECONOMY

GOVERNMENT RESPONSE PURSUANT TO KYOTO PROTOCOL IMPLEMENTATION ACT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, in accordance with section 10.2(a)(ii) of the Kyoto Protocol Implementation Act, the response of the National Round Table on the Environment and the Economy to its obligations under the Kyoto Protocol Implementation Act.

[Translation]

PRIVACY COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Office of the Privacy Commissioner of Canada for the period from April 1 to March 31, 2007, pursuant to the Privacy Act.

STUDY ON FUNDING FOR TREATMENT OF AUTISM

GOVERNMENT RESPONSE TO REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, pursuant to rule 28(3), the government's response to the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology tabled on March 1, 2007, during the Senate's previous session.

BUSINESS OF THE SENATE

NOTICE OF MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, for the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at 4 p.m., unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned; and
- (c) where a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, immediately prior to any adjournment but no later than 4 p.m., to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

• (1430)

[English]

AUNG SAN SUU KYI

NOTICE OF MOTION TO CONFER HONORARY CITIZENSHIP

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I give notice that later today, I shall move:

That,

Whereas Aung San Suu Kyi, the leader of Burma's National League for Democracy, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace, democracy and non-violence;

Whereas she has been repeatedly deprived of her liberty and contact with her family since July 1989, as retribution for her support for the cause of freedom, democracy, human rights and justice for the people of Burma;

Whereas she led the National League for Democracy to victory in multi-party democratic elections in 1990, the results of which were ignored by the military regime;

Whereas she remains one of the leading forces in the continuing struggle for democracy and human rights in Burma and a symbol of the desire of the people of Burma for political freedom;

Whereas recent events show that her desire for democracy and peace is deeply shared by the people of that country;

Whereas her long struggle to bring freedom and democracy to the people of Burma has made her the embodiment of those ideals and an inspiration to us all; and

Whereas Canada has previously acknowledged the contribution of other leading champions of human dignity, granting them honorary Canadian citizenship;

Therefore, the Senate of Canada resolves to bestow the title "honorary Canadian citizen" on Aung San Suu Kyi and requests that the people of Canada demonstrate their friendship and solidarity with Aung San Suu Kyi as an honorary citizen of Canada, and through her, to the people of Burma.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion placed on the Orders of the Day for consideration later this day.

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Hugh Segal presented Bill S-201, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Segal, bill placed on the Orders of the Day for second reading two days hence.

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

FIRST READING

Hon. Hugh Segal presented Bill S-202, An Act to amend certain acts to provide job protection for members of the reserve force.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Segal, bill placed on the Orders of the Day for second reading two days hence.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. John G. Bryden presented Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Bryden, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL PHILANTHROPY DAY BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-204, An Act respecting a National Philanthropy Day.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

• (1435)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—FIRST READING

Hon. Yoine Goldstein presented Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Goldstein, bill placed on the Orders of the Day for second reading two days hence.

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

STATUTES REPEAL BILL

FIRST READING

Hon. Tommy Banks presented Bill S-207, An Act to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Order Paper for consideration two days hence.

DRINKING WATER SOURCES BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-208, An Act to require the Minister of the Environment to establish, in cooperation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Céline Hervieux-Payette (Leader of the Opposition) presented Bill S-209, to amend the Criminal Code (protection of children).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Hervieux-Payette, bill placed on the Orders of the Day for second reading for two days hence.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-210, An Act to amend the Criminal Code (suicide bombings).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

CANADA SECURITIES BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-211, An Act to regulate securities and to provide for a single securities commission for Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading two days hence.

• (1440)

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-280, An Act to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Goldstein, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

KELOWNA ACCORD IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-292, to implement the Kelowna Accord, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with a Bill C-299, an Act to Amend the Criminal Code (identification information obtained by fraud or false pretence).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with a Bill C-293, an Act respecting the provision of official development assistance abroad, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.

• (1445)

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF PARLIAMENTARY AFFAIRS
COMMITTEE, MAY 22-24, 2007—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie, whose chair, the Honourable Andrée Champagne, was so terribly afflicted and who, thank God, is once again in our midst.

This report covers the participation of the Canadian delegation to the meeting of the Parliamentary Affairs Committee of the APF, held in Sofia, Bulgaria, from May 22 to 24, 2007.

[English]

THE SENATE

NOTICE OF MOTION TO STRIKE
SPECIAL COMMITTEE ON AGING

Hon. Sharon Carstairs: Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(d), I give notice that, at the next sitting of the Senate, I will move:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, pursuant to rule 85(1)(b), the committee be comprised seven members, to be nominated by the Committee of Selection and that three members constitute a quorum;

That the Committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and

- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 30, 2008, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ORGANIZATION FOR SECURITY AND
COOPERATION IN EUROPE 2007 DECLARATION
ON ANTI-SEMITISM AND INTOLERANCE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the following Resolution on Combating Anti-Semitism and Other Forms of Intolerance, which was adopted at the 16th Annual Session of the OSCE Parliamentary Assembly, in which Canada participated in Kyiv, Ukraine on July 9, 2007, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2008:

**RESOLUTION ON COMBATING ANTI-SEMITISM,
RACISM, XENOPHOBIA AND OTHER FORMS
OF INTOLERANCE, INCLUDING
AGAINST MUSLIMS AND ROMA**

1. Recalling the Parliamentary Assembly's leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,
 2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,
 3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,
 4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,
 5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,
- The OSCE Parliamentary Assembly:**
6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;
 7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;
 8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;
 9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;
 10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti-Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;
 11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;
 12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;
 13. Reaffirms especially the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";
 14. Recalls the agreement of the participating States, adopted in Cracow in 1991, to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;
 15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;
 16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;
 17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance
 18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;

19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;
20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts;
21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti-Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;
22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;
23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;
24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;
25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediated form that could be utilized throughout the OSCE region;
26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;
27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;
28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;
29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;
30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;
31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:
 - a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;
 - b. collect, analyse, publish, and promote hate crimes data;
 - c. protect religious facilities and communitarian institutions, including Jewish sites of worship;
 - d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
 - e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;
 - f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;
 - g. work with civil society to develop and implement tolerance initiatives;
32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;
33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;
34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;

35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;
36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;
37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;
38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to "eradicate practices that segregate Roma in schooling" and provide equal access to education that includes intercultural education;
39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;
40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;
41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly's Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;
42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;
43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;
44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;
45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;
46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;
47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;
48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission's adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;
49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", as enshrined in the Helsinki Final Act;
50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;
51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;
52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.

[Translation]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO NEGOTIATE FREE TRADE AGREEMENT WITH EUROPEAN UNION

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Senate call upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement, in order to encourage investment, free movement of people and capital.

[English]

CHARTER OF RIGHTS AND FREEDOMS

RECOGNITION OF TWENTY-FIFTH ANNIVERSARY— NOTICE OF INQUIRY

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I shall call the attention of the Senate to the twenty-fifth anniversary of the Canadian *Charter of Rights and Freedoms*.

• (1450)

[Translation]

QUESTION PERIOD

SPEECH FROM THE THRONE

MEASURES TO COMBAT POVERTY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to welcome Senator Brown. We hope to work with him on issues of interest to all Canadians.

My question is for the Leader of the Government in the Senate. In response to the Speech from the Throne delivered by the old government — apparently after 20 months in office the nomenclature has changed — I would like to comment on what was not in the Speech from the Throne.

I did not see much on early childhood education programs; I did not see much on fighting child poverty; nor did I see much on affordable housing. However, we saw a GST cut, which, in my opinion, will certainly help the well-off a little more than low income earners, since they do not have any purchasing power.

I would like to know how her government, which seems to be devoid of compassion for the poorest people in our country — according to the latest studies, we currently have more than a million poor children in Canada — will narrow the gap between the wealthy, who will benefit from a GST cut, and the less

fortunate, for whom there was nothing in the Speech from the Throne?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for her question. Before I begin my answer, I wish to congratulate the honourable senator on her new position as Quebec Lieutenant of the Liberal Party Caucus.

Honourable senators, last night's Speech from the Throne, I am grateful to say, has been well received across the country. The Leader of the Opposition lists a couple of areas where she believes that certain segments of the Canadian population have been left out. I would disagree. The Throne Speech is the statement of the government's intentions.

In all five themes of the Throne Speech, Canadians in every walk of life, whether rich, middle class or poor, are represented. For instance, the theme regarding the modernization and the strengthening of democratic institutions is not just meant for the Houses of Parliament, this is our democratic structure. We are providing effective economic leadership by aggressively moving forward with broad tax relief that includes a further promise in respect of the GST, as the Leader of the Opposition said. That does affect low-income populations. People on low incomes also buy taxable groceries, clothes, appliances and other goods to which the GST applies.

On the issue of environment and health, perhaps people living in certain centres in the country are impacted more by poor air and water quality, particularly the quality of water used by our Aboriginal people. The government has made strong signals that it intends to move forward in these areas.

[Translation]

MEASURES TO INTEGRATE IMMIGRANTS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I want to go back to what is not in the Speech from the Throne. I want to tell the Leader of the Government that, we, in Canada, have a tradition of equal opportunity. We also have a tradition of inclusiveness and compassion. The Leader of the Government is probably aware that, in Quebec, a commission is currently dealing with the issue of reasonable accommodations, and that one of the main complaints received at the hearings concerns the lack of funding to integrate the new immigrants that Canada needs to fill job vacancies in every province of the country.

In my opinion, it is a well-known fact — unless people in Ottawa do not have access to Quebec TV channels — that learning the language is currently one of the main obstacles to the integration of immigrants, along with the all the transitional measures relating to trades and professions.

• (1455)

Could the Leader of the Government tell us where I can find, in the Speech from the Throne, measures that will provide to people in Quebec and in the rest of Canada, wherever there are immigrants, transition programs that will help these immigrants integrate into our society and make a contribution to Canada?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I totally agree. The strength of the country is dependent upon being able to attract new Canadians into the country. Labour force figures from across Canada have indicated that the country requires further immigration, especially skilled workers.

I wish to point out that the Speech from the Throne was a statement of where we are going from here; what the government plans to do as it moves forward. That does not wipe out all of the great and various measures we have taken in the past. Many things that were not in the Speech from the Throne were not there because we have taken a lot of action on some of these very areas in the past.

With regard to training, we are spending \$81 million over two years for adult learning, literacy and training in essential skills. In April, Monte Solberg, Minister of Human Resources and Social Development, the department in which I am also involved, created the new Office of Literacy and Essential Skills to support families, communities and workplace literacy. In Budget 2006, we invested \$28 million in the enhanced language training initiative, which primarily assists new Canadians.

MEASURES TO COMBAT CHILD POVERTY

Hon. Jim Munson: Honourable senators, I have a question for the Leader of the Government in the Senate. Yesterday's Speech from the Throne left millions of Canadians — including myself and members of the opposition — troubled both with the tone and content of the speech. I am referring now to child poverty. As many honourable senators know, issues relating to child poverty are a priority for me; in particular, dealing with children in this area of Ottawa. How troubling to see little reference to action the government will take to address the shocking prevalence of child poverty in this country.

In Ottawa, just a doorstep away, according to the Ottawa-Carleton Child Poverty Action Group, one in five children live in poverty. In Renfrew County, one in eight live in poverty. Campaign 2000 tells us that Canada is second only to the U.S. as a low-wage country among industrialized nations.

Yet, let us take a closer look. There is nothing in the Speech from the Throne to address this problem. Homelessness was framed as an inconvenience or worry for the middle class, not as the tragic red flag that should call any well-meaning and responsible government to action.

Will the government turn its focus to providing support and opportunities to those Canadians who need help the most, low-income families and their children?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I take issue with the words he used in relation to homelessness. The Prime Minister specifically dealt with one form of the homelessness issue when he talked about the launch of the national drug strategy in Winnipeg. He addressed the situation with regard to the homeless when the Mental Health Commission was announced with Senator Keon and former Senator Kirby here in Ottawa.

As I said in response to the Leader of the Opposition, the Throne Speech sets out five distinct areas where the government will proceed in providing good leadership and building a strong, safe country. We have already taken action on a number of fronts to help low-income Canadians. Budget 2007 introduced a new tax benefit to help low income Canadians get over the "welfare wall." The working income tax benefit is worth \$550 million per year. Budget 2006 included new housing trust funds for provinces and territories for affordable housing, including funds for Aboriginal people off-reserve and northern housing. It also cut the GST, introduced the Universal Child Care Benefit and raised the amount of the Child Disability Benefit. The new homelessness partnering strategy, worth \$269 million over two years, took effect on April 1, 2007. The government is providing \$256 million to the two-year extension of the Canada Mortgage and Housing Corporation's Homeowner Residential Rehabilitation Assistance Program, directed specifically at renovation projects for low income households.

• (1500)

As the Secretary of State for Seniors, I am proud to say that one of the priority areas that the new National Seniors Council focussed on when we met in Halifax last Thursday and Friday is to provide support to unattached low income seniors, who are mostly women, though there is also a significant number of men. This group is particularly vulnerable because they are at that stage in life when it is more difficult to strive beyond their earning capability.

Senator Munson: Honourable senators, I have a brief supplementary. Although she might not be able to provide the answer today, can the honourable senator tell the house how many children live in poverty in this country today despite these initiatives?

Senator LeBreton: Honourable senators, I do not know the answer to the question but, obviously, one child living in poverty is one child too many. I do not know whether Statistics Canada has those figures, but I will take the honourable senator's question as notice.

MEETING OBJECTIVES OF KYOTO PROTOCOL IMPLEMENTATION ACT

Hon. Grant Mitchell: Honourable senators, on June 2, 2007, the Kyoto Protocol Implementation Act was given Royal Assent. It received the endorsement of both Houses of Parliament and is as much a law of the land as any law can possibly be. Last night, to the profound disappointment of many Canadians, the government acknowledged once and for all that it will break this law. How can this mandatory-minimum lock-them-up-and-throw-away-the-key government think that everyone else should obey the law while it picks and chooses which Canadian laws it should obey?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I hate to disagree with Senator Mitchell because people do that at great peril, but the fact is that the government has respected the will of Parliament in meeting the filing requirements of Bill C-288 within the timelines while continuing to push forward with what Canadians want — real and concrete action to fight climate

change, rather than years of inaction. The government met the requirements of Bill C-288, a private member's bill, as it was passed by this house.

Senator Mitchell: That is like saying, "Officer, I was travelling within the speed limit for most of my trip." In the Speech from the Throne, the Governor General stated: "Climate change is a global issue and requires a global solution." It should come as no surprise to the government that Canada already has a global response — the Kyoto Protocol.

Why is the government so defeatist and incapable of leading the country to meet great challenges that it simply will not try to meet the requirements in the Kyoto Protocol? Is it afraid to try because it is afraid to fail, or is it because it understands implicitly that it cannot provide the level of leadership required to achieve Kyoto Protocols?

Senator LeBreton: Honourable senators, Senator Mitchell's party colleagues, including his leader, have stated clearly at one time or another that the Kyoto targets could not be met.

• (1505)

The honourable senator's former leader, Mr. Chrétien, blames it on his successor, Mr. Martin, whose Minister of the Environment was Mr. Dion. Also, as Mr. Goldenberg pointed out in his book, Mr. Chrétien signed on to the Kyoto agreements without having the slightest idea of how he would implement them. It has been pretty well determined that it is impossible to meet the Kyoto targets. Yet, as the Speech from the Throne said, in effect, Mr. Dion proposes that we meet the targets within the next 77 days, or now 76 days — and it is not global.

Of course, we will see what happens with the throne speech, but if it passes, I think we can then move on to what we should do. We have involved ourselves, led by the Prime Minister, in various forums and discussions on climate change, and have already engaged other countries at the G8, APEC and United Nations. We will continue to press for an agreement to cut global emissions in half by 2050. Canada is committed, as the Prime Minister stated when he was in New York a few weeks ago, to working constructively within the United Nations program.

As I said in this place before, our country has a strong plan that will be a valuable guide for a post-2012 framework. At the UN in September, the Prime Minister outlined our vision for a framework on climate change, which includes developing new technologies. Obviously, Canada can take a lead in this area because we are technological leaders. Our vision also includes increasing the supply of renewable energy, which we can also take a lead in: finding cleaner ways to convert hydrocarbons into energy and securing private capital investment.

Senator Mitchell: When the Leader of the Government reiterates what was already said in the Throne Speech, which is that "it is generally understood that Kyoto objectives are unattainable," what proof does she and her government have of that statement? Do they have some secret study that they have not released? Are they listening to scientists who are paid by certain special interest groups, or are they making this up to defend their ideological position?

Senator LeBreton: We were listening to many people in the environmental field, but also to many people of all political stripes who realize, as the editorial in the *Gazette* in Montreal said today, the Kyoto ship has left the port, or words to that effect. The fact is that the Kyoto targets cannot be met, as everyone knows. The honourable senator's own leader, who was a former Minister of the Environment, has acknowledged that publicly on a number of occasions, as have other leading spokespersons in his party.

So let us stop worrying about the fact we did not meet the Kyoto targets — everyone knew we could not; I do not think it is any big surprise — and get on with implementing a solid plan that the Prime Minister advanced not only when he was at the G8 over the summer and the APEC in Sydney, but at the United Nations.

MEASURE TO ADDRESS ABORIGINAL LAND CLAIMS

Hon. Gerry St. Germain: Honourable senators, my question is also to the Leader of the Government in the Senate in regard to the Throne Speech. What emanated from it was relatively positive news for First Nations in the areas of housing, job training and residential schools. There was a formal apology from the Prime Minister in regard to individuals in residential schools who were subjected to this northern sovereignty. My question relates to what came out of the Throne Speech in regard to specific claims, which is that legislation would be forthcoming.

Is it proper to ask whether we can see this legislation before the end of this calendar year? This huge injustice has stood out there and the Prime Minister has clearly indicated under former Minister Prentice of Indian Affairs and Northern Development, and now Minister Strahl, that this injustice will be rectified.

• (1510)

Could the Leader of the Government give us an indication of when this Parliament will be able to start dealing with this specific claims issue, which I think is urgent in the minds of our First Nations people?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. As the honourable senator knows, the Honourable Jim Prentice, the former Minister of Indian Affairs and Northern Development, made great strides in the area of specific claims, including changing the process. I cannot give an exact timetable, but I know that Minister Strahl has made significant progress on the files. There was much work done by Minister Prentice, and Minister Strahl has acknowledged that he was able to pick up the files and did not have to go back to square one.

I will attempt to give Senator St. Germain a definitive timetable. I do know that this is something that the government and the minister want to proceed with immediately and that there will not be a long lag time.

I acknowledge the honourable senator's words. I talked to some Aboriginal people last night after the Throne Speech. The Prime Minister will apologize on behalf of the government for the residential schools and this matter regarding the injustices people suffered was very well received and very much appreciated.

MEASURES TO ADDRESS POST-SECONDARY
EDUCATION ISSUES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. In yesterday's Speech from the Throne, the government stated:

The bedrock of our workforce is middle-class Canadians and their families. These families worry about the rising costs of higher education . . .

I could not agree more; Canadian families do worry about the rising cost of post-secondary education. Yet, in the Throne Speech, the government's vision for the nation, post-secondary education barely gets a mention.

Why did the government not give the issue of post-secondary education the attention it deserves in the Throne Speech?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. It is interesting that in the First Session of this Parliament, I was answering questions about why the government did not implement policies that were promises of the previous government. Now that we are in the new session of Parliament, I am receiving questions about why certain matters were not in the Throne Speech. We have been the government for over a year and a half, and many of the matters about which I am being asked regarding yesterday's Throne Speech, I was not asked about in the last session, when we were actually doing these things.

In Budget 2006 and Budget 2007, the transfers to the provinces for health care and education were vastly increased, and post-secondary education was one particular area for the provinces. We have only to witness the recent Ontario election, where the Liberals were going around claiming what a great success they had achieved in post-secondary education, which is very nice, but they should also have acknowledged that they received a considerable sum of money from the federal government in order to do that.

[Translation]

Senator Tardif: Honourable senators, that view is not shared by students.

Why is there nothing to help Canadian students pay the increasingly high cost of post-secondary education, through a federal policy or program such as, for example, the Millennium Scholarship Fund?

[English]

Senator LeBreton: Honourable senators, I will take as notice the question on the Millennium Scholarship Fund. I will provide an answer as quickly as possible.

FINANCE

ATLANTIC ACCORD—
OFFSHORE OIL AND GAS REVENUES

Hon. James S. Cowan: Honourable senators, a week or so ago, the Prime Minister and the Premier of Nova Scotia announced a compromise arrangement designed to settle the dispute between those two governments in regard to the impact on the Atlantic accord of Budget 2007. That arrangement was contained in an exchange of letters signed by ministers representing the two governments.

• (1515)

I have been advised by officials of the Government of Nova Scotia that the Government of Canada must introduce legislation to provide the legislative framework for these arrangements. Will the Leader of the Government in the Senate confirm that the government intends to introduce such legislation, and will she ascertain from her colleagues in cabinet when we can expect to see it?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. I believe he is mistaken. There is no legislation to be tabled. This involved discussions that clarified the Atlantic accord as it related to Nova Scotia. If individuals in the Nova Scotia government believe legislation is to be tabled, that was not what the Prime Minister, Premier MacDonald, Minister MacKay and Gerald Keddy, the Member of Parliament for South Shore - St. Margaret's agreed to.

Hon. Jane Cordy: I wish to thank the minister for that answer.

Premier MacDonald has been talking about the Canada-Nova Scotia clarifying agreement. I have been searching for the agreement. I have looked on the Nova Scotia website and my office has been looking on the Government of Canada website. I can find a pair of letters exchanged by Minister Flaherty and Minister Baker on the Nova Scotia website, but, as I also said to Minister Fortier last night, I am unable to find a copy of the agreement. I wonder if the minister could let me know where I can find this information.

Senator LeBreton: Honourable senators, I believe people are misinformed if they think this agreement was a new agreement or some side deal, which it was not.

The Prime Minister and Premier MacDonald announced a resolution to the province's concerns related to the interpretation of the Atlantic accords. While Nova Scotia opted into the new equalization formula, the premier expressed concern that the province could lose money if it opted in permanently now and future offshore oil and gas development made the Atlantic accord more beneficial. However, we do not know if that will happen. Minister Flaherty has been clear that we are prepared to make the choice more flexible to ensure that benefits have not been lost. Nova Scotia — and Newfoundland and Labrador, for that matter, if the province so chooses — will be able to opt in to either the 2005 equalization formula or the new equalization formula, but not a combination or stacking of the benefits of the two formulas. Their Atlantic accord benefits will be protected no matter which equalization formula they choose.

The Prime Minister agreed with Premier MacDonald to an arbitration process with Nova Scotia to determine the value of the Crown share in the 1986 Nova Scotia Offshore Accord.

Senator Cordy: Nova Scotians remain somewhat cynical about the word of this Prime Minister and this government. Is there any place that we can find a detailed analysis of what exactly was agreed to? There is a vagueness in the letters from Minister Flaherty and Minister Baker of Nova Scotia. The current letters or information that I have seen in the newspaper about the "non-agreement" shows that Nova Scotia will receive less money for the next nine or 10 years than they would have received from the Atlantic accord, which was signed in 2005. Is this information written down anywhere? I have seen articles in the newspaper, but now I discover that there is no agreement and that it is only letters that are somewhat vague to those of us reading them. For those of us who are interested, can we find specific details somewhere so that in nine years we are able to look back and say that we should receive more money at this time?

Senator LeBreton: Honourable senators, that was precisely why they went back and made commitments to Nova Scotia. Again, I point out that there was concern about the interpretation. It is clear that the intent of both governments was not to see Nova Scotia in a position where it would lose money. I read the letters of Minister Baker and Minister Flaherty.

• (1520)

They were rather long and detailed letters. I do not know what else could be said, unless the honourable senator is looking for something that neither the ministers nor the governments intended.

My honourable friend says that people are cynical about it. I was in Nova Scotia last week and read some of the newspaper stories. Obviously, Premier MacDonald, the Prime Minister, Minister MacKay and Gerald Keddy worked very hard to clear up some of this misunderstanding with regard to interpretation. I believe they satisfied themselves. From what I can understand, people are satisfied that they have come to this agreement and we can put this issue behind us.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF COOPERATION AND DEVELOPMENT COMMITTEE, MARCH 6-8, 2007—REPORT TABLED

Leave having been granted to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation in the meeting of the Co-operation and Development Committee held in Hanoi, Vietnam, from March 6 to 8, 2007.

[Senator LeBreton]

CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, MAY 3-7, 2007—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the seminar of the APF Network of Women Parliamentarians on the Convention on the Elimination of All Forms of Discrimination Against Women, held in Port-au-Prince, Haiti, on May 3 and 4, 2007.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADOPTION OF ADDRESS IN REPLY—DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the opening of the Second Session of the Thirty-ninth Parliament.

Hon. Gerald J. Comeau (Deputy Leader of the Government), seconded by the Honourable Bert Brown, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

He said: Honourable senators, it is an honour for me to table this motion. I believe in this government and in its agenda, and I am convinced that the measures announced yesterday evening in the Speech from the Throne will have numerous benefits for all Canadians throughout the country.

Allow me to extend my thanks to a number of my colleagues in this chamber, with whom I have had the honour to work for many years. First of all, I wish to thank our Speaker, the Honourable Senator Kinsella, a compatriot from Atlantic Canada who has demonstrated his value in directing the proceedings of this upper house, which can be boisterous at times, and has shown fairness and patience.

I also wish to thank the Leader of the Government, the Honourable Senator LeBreton, for her guidance to our caucus and her support to me in this chamber. I also thank my colleague,

the Honourable Senator Stratton, for his dedicated albeit often thankless work as government whip.

On the other side, the Honourable Senator Hervieux-Payette has shown that she can meet challenges as Leader of the Opposition. She is assisted by the Honourable Senator Tardif, with whom it is a pleasure to work, and by the Honourable Senator Fraser, with whom I had a great working relationship and whom I often miss. I would also like to thank Senator Cowan for his work as Opposition Whip.

Honourable senators, the men and women on both sides of this chamber have proven that they are dedicated to their duty to act as a chamber of sober second thought for all Canadians. I know that each one of us, on both sides of the chamber, works very hard. That work is appreciated by the government and all Canadians.

I would also like to thank the Right Honourable Stephen Harper, Prime Minister of Canada, for the leadership he has shown in government and for all Canadians. I would also like to thank the Prime Minister for trusting in me to work as Deputy Leader of the Government.

[English]

Honourable senators, since taking office, the Conservative government has cut taxes for working families and seniors, tackled crime with tougher sentences and more police, passed the toughest anti-corruption law in Canadian history, delivered choice and support to parents with the Universal Child Care Benefit, and restored fiscal balance with the provinces and territories, providing the funds to ensure that Canadians receive the medical care they need in a timely manner.

By delivering results for families and taxpayers, the government is building a stronger, safer and better Canada. Yesterday evening's address by Her Excellency confirms that the government will continue to build upon these accomplishments based on five core priorities.

The first is a proud and sovereign Canada in which Canada's government rigorously defends our nation's place in the world. This includes the realization of a strong Arctic vision and a responsible, effective path forward in Afghanistan.

The second priority is a strong federation in which the government will continue to strengthen and modernize its democratic institutions. This includes formal limits on federal spending power and — yes — Senate reform. Senator Cowan will be pleased to hear that.

Third, the government will continue to provide effective economic leadership and a prosperous future by aggressively moving forward with broad tax relief that includes a further promised reduction in the GST.

The fourth priority is a safe and secure Canada. The government will continue to tackle crime and strengthen the security of Canadians.

Fifth, the government will continue to improve the environment and health of Canadians by delivering realistic and achievable results in areas such as environmental enforcement and product and food safety.

Canadians elected the government to improve life for themselves and their families. Under the strong leadership of Prime Minister Harper, that government is building a better Canada.

[Translation]

Honourable senators, there is a very striking contrast between our government and the former administration. The current government is pragmatic, disciplined, balanced and focused on results. It has shown true leadership on the world scene.

[English]

There is no question that the Canadian economy has done well in recent years. The nationwide jobless rate last month was 5.9 per cent, a level not seen in three decades. The dollar, worth 62 cents just five years ago, has traded in recent days above par to that of the U.S., a level not seen in three decades.

[Translation]

Last month, the government announced one of the biggest debt reductions in Canada's history. Less debt means lower interest payments and lower taxes.

Thanks to the tax back guarantee in the Budget Implementation Act adopted this spring, every time the debt shrinks, the interest saved is applied, as it should be, to income tax cuts for Canadians who, as we know, work very hard.

We are a prosperous nation. It is clear that most of the policies that have moved our economy forward over the past ten years have been the result of the pragmatism, courage and vision of the last Conservative government. These policies include bringing in free trade, transforming the Foreign Investment Review Agency into Investment Canada, repealing the national energy program, and instituting expenditure management, as well as privatization, sales tax reform, income tax reform, inflation control targets, and deregulation.

The Liberals opposed these measures when they were in opposition. However, these measures are the driving force behind today's economy.

I would like to remind honourable senators about two of these policies, which they condemned prior to 1993, and then proceeded to implement. First, the goods and services tax replaced the former federal sales tax (FST). We all know that there were a lot of problems with the FST.

• (1530)

Replacing the FST with the GST made Canada more competitive and made the revenue base more stable. Honourable senators, I am sure that you remember the GST debates.

[English]

In this chamber, Senators Corbin, Fairbairn, Grafstein and Watt and, in the other place, future Senators Callbeck, Harb, Robichaud and Rompkey all rallied against the GST, telling us that it would hurt the poor, it would hurt literacy, it would hurt

the North, it would hurt students, it would hurt small business, and that it would not survive. Senator Robichaud was there. I remember them crying about all the ills of the GST.

[Translation]

Did the Liberals abolish the GST, as promised by Jean Chrétien?

Some Hon. Senators: No!

Senator Comeau: Of course not. Not only did they fail to abolish the GST, but during their first term, they reached harmonization agreements with the Atlantic provinces before signing an administrative agreement with Quebec.

Honourable senators, I would now like to discuss free trade, a second measure criticized by the Liberals, even though it drives the Canadian economy. Twenty years ago this month, Canada and the United States concluded negotiations on an initial free trade agreement. That agreement was later expanded to include Mexico and become NAFTA.

If we had listened to our colleagues across the floor, there would have been no free trade agreement with the United States and no NAFTA.

The Liberal leader wanted to rip up the agreement. The Liberal members in the House of Commons opposed the bill and the Liberal senators refused to adopt it before the election was called in 1988.

The nightmarish scenarios propagated in the two Houses and during the 1988 election campaign never came to fruition. The border still exists, Canadian culture has never been stronger and the Great Lakes have not been drained to quench the thirst of our American neighbours.

Canada has maintained its sovereignty. Most of the trade decisions reached under NAFTA have been beneficial and bilateral trade is thriving.

In reality, since the Free Trade Agreement came into effect in 1989, bilateral trade has quadrupled and nearly \$2 billion worth of goods crosses the border every day. Today, more than five million Canadian jobs depend on guaranteed access to the American market.

The majority of jobs created in recent years can be attributed to increased exports to the United States and other countries. Spin-offs from the Free Trade Agreement for employment, the standard of living and our overall competitiveness have been extremely positive for Canada.

This agreement with the United States was reached thanks to a government that, like the government of Stephen Harper, showed pragmatism, vision and the willingness to play a leading role on the world stage.

[English]

Unfortunately, while the former government was quite willing to reap the benefits of free trade, it had no interest in maintaining a good relationship with our neighbours to the south. We have all

had occasional disputes with our neighbours and one may have occasional disagreements with customers in business. However, one needs to have the foresight, discipline and vision to deal with these differences in a responsible manner. A company will not be in business very long if the team publicly calls the CEO of its largest customer names best described as "somewhat unparliamentary."

[Translation]

Honourable senators, a solid business case for the Atlantic Gateway was recently made.

According to a study by the Atlantic Canada Opportunities Agency, the benefits of the Atlantic Gateway include the creation of nearly 61,000 person-years of employment, which represents \$2.1 billion in salaries. That is huge.

After years of neglect, it is time to act. We must build bigger, more efficient ports and more efficient transportation and marketing systems as well.

I would draw the Senate's attention to the announcement made last weekend about the Memorandum of Understanding on the development of the Atlantic Gateway, which was signed by the federal government and the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Labrador.

With this announcement, the federal government is delivering on its commitment to develop the country's trade gateways and corridors. The Atlantic Gateway Memorandum of Understanding will guide future investments and increase Canada's overall competitiveness over the long term.

The common vision of the five governments is to establish the Atlantic Gateway as a strategic, integrated and globally competitive transportation system, facilitating the movement of international commerce on North America's east coast.

Honourable senators, last week Prime Minister Harper and his counterpart in Nova Scotia, the Honourable Rodney MacDonald, announced that they had succeeded in allaying the concerns of the province surrounding the interpretation of the Atlantic Accord. I would like to take this opportunity to congratulate Prime Minister Harper and Premier MacDonald. I also want to thank Minister Peter MacKay and MP Gerald Keddy for their contribution to this solution.

Nova Scotia will enjoy increased flexibility. It will be able to opt for the new equalization formula without the risk of losing the advantages it was given under the terms of the 2005 Accord.

The Governments of Canada and Nova Scotia also agreed on a process to determine the value of their Crown share under the original Atlantic Accord.

This is an historic solution that will put an end to a dispute that for more than 20 years has been an awkward problem for the successive federal and provincial governments. These are not simple issues. The Atlantic Accord was very technical. Even well-meaning people could interpret it in different ways.

Honourable senators, the February 2007 budget was concerned with restoring the fiscal balance. The Liberals, led by Mr. Dion, have always denied the existence of such an imbalance. We should remember that the first Atlantic accords were signed only after the Conservatives, who were in opposition at the time, pushed the former government to reach an agreement with Nova Scotia and Newfoundland and Labrador.

In November 2004, when the issue was put to a vote in the House of Commons subsequent to a Conservative motion, Stéphane Dion and all Liberal members, except two, voted against payment of all revenues from offshore development to Newfoundland and Labrador and Nova Scotia.

All the Liberals voted against the motion and it is because of the Conservative Party that these measures have gone forward. Whereas the former government refused to take action for years, this government has implemented concrete measures to achieve fiscal balance and deal with the provinces' concerns.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable senators, I must advise Senator Comeau that his speaking time of 15 minutes has expired.

Senator Comeau: Honourable senators, I am one of those who believe that we should restrict ourselves to 15 minutes for this type of speech. Therefore I will stop here.

• (1540)

[English]

Hon. Bert Brown: Honourable senators, I feel privileged and humbled to stand in this chamber today to second the motion on the Speech from the Throne, as put forth by Senator Comeau. I want to thank my new colleagues who have made me feel welcome in this chamber. I know some of you personally and have for a number of years. I hope some day to know all of you.

I also thank Prime Minister Harper and his government for having the wisdom and the political courage to continue to advance the cause of democratizing the upper chamber, not only by appointing me but also by continuing to be firmly committed to the election of future senators. This moment is an opportunity to express my gratitude to the people of Alberta who have twice elected me as a senator-in-waiting.

It was back in August of 1983 when the Canadian Committee for a Triple-E Senate went national after an Alberta committee, founded in May of that year, began to attract supporters from other provinces. From a handful of Albertans in 1983 to almost 80 per cent of Canadians from coast to coast now publicly in opinion polls telling us they want to elect their senators, the idea of Senate reform has grown slowly but steadily. Suffice to say that Canada now has a Prime Minister publicly and firmly committed to the election of future senators.

There are now 12 vacant Senate seats in eight provinces and more to come. Prime Minister Harper wants to see them filled by an election process. In Alberta alone, the three Senate elections saw 650 000 votes cast in 1989; 890 000 votes cast in 1998; and 2 200 000 votes cast in 2004. In all of these elections, many in the

national media ridiculed the process, as did more than a few academics and pundits, but Albertans kept the faith in supporting the cause and kept voting in increasing numbers.

Honourable senators, as articulated by the Conservative government of Stephen Harper, it is now time for the idea of the election of senators to be expanded to other provinces so that people from all parts of Canada can benefit from what Alberta has benefited from twice, both with my election and the election of former Senator Stan Waters. It is my sincere hope that this process will help generate a new consensus with respect to provincial representation in the Senate, and Canada will then move from a democracy to a great democracy.

Honourable senators, in my new role as an elected senator, I vow to continue to advance and support efforts to make the Senate more accountable, more democratic and more reflective of what Canadians have come to expect from their governing institutions in a modern democracy.

As the Prime Minister stated last year prior to his appearance before a Special Senate Committee:

Canada needs an upper house that provides sober and effective second thought. Canada needs an upper house that gives voice to our diverse regions. Canada needs an upper house with democratic legitimacy.

Honourable senators, it is my hope that my appointment to this chamber as an elected senator will serve as an important symbol that further delay on Senate reform must cease. I look forward to working with parliamentarians and Canadian citizens of all political stripes and backgrounds to realize the ideas that I and others have been campaigning for over the last 24 years.

Our institutions are a reflection of who we are and what we aspire to as a democracy.

My Alberta is a dynamic province made up of productive farmland, foothills, bustling cities, thriving towns, diverse and energetic people and, of course, the Rocky Mountains.

In considering the themes outlined in the Speech from the Throne and in everything that this government has achieved in its mandate, I also feel that our pride in what our country is, or has been about, should not diminish our ambition for what it could be in the future: a Canada that has modern and democratic forms of governance, which adequately balance the interests and concerns of all parts of the country; a Canada where we have a federal government that is fully sensitive to the needs of our diverse regions, provinces and territories, cities and towns, and citizens of all backgrounds; and a Canada where the federal government engages the provinces in a disciplined approach to federal-provincial relations with the overriding objectives of ensuring the health and well-being of all Canadians.

I look forward to helping the Prime Minister and his government in implementing this agenda. I also look forward to working with all senators in this chamber as we discharge our constitutional duties to provide sober second thought on legislation and issues that come before us.

While the route that I have travelled to get here is different from that taken by all of you, my commitment to this institution and making it better is one that I take most seriously.

The people of Alberta have been patient souls. Their loyalty to democratic choice for those who will represent Albertans in this chamber of Parliament is about to pay off for the second time in three elections.

The act of taking my seat in this chamber, while not a revolution, is a testimony to the power of an idea whose time has come: "Senate reform is like a staircase, you take it one step at a time."

In closing, and on a personal note, I wish to thank the members and supporters of the Canadian Committee for a Triple-E Senate. Many loyalists have served with me and supported me. They know who they are. I am compelled, however, to personally thank Dr. David Elton, Professor Emeritus of Lethbridge University — a confidant, an adviser and a very good friend who has always been a source of great wisdom and patience.

My family and friends have also been supportive of me in many ways. I also want to say that I look forward to working with my fellow members in the Conservative Senate caucus, as ably led by the Leader of the Government in the Senate, Minister Marjory LeBreton.

Finally, I want to thank my wife Alice for her support and help in everything that I do. Without her, I would not be here.

On motion of Senator Tardif, debate adjourned.

• (1550)

AUNG SAN SUU KYI

MOTION TO CONFER HONORARY CITIZENSHIP ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice earlier this day moved:

That,

Whereas Aung San Suu Kyi, the leader of Burma's National League for Democracy, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace, democracy and non-violence;

Whereas she has been repeatedly deprived of her liberty and contact with her family since July 1989, as retribution for her support for the cause of freedom, democracy, human rights and justice for the people of Burma;

Whereas she led the National League for Democracy to victory in multi-party democratic elections in 1990, the results of which were ignored by the military regime;

Whereas she remains one of the leading forces in the continuing struggle for democracy and human rights in Burma and a symbol of the desire of the people of Burma for political freedom;

Whereas recent events show that her desire for democracy and peace is deeply shared by the people of that country;

Whereas her long struggle to bring freedom and democracy to the people of Burma has made her the embodiment of these ideals and an inspiration to all of us; and

Whereas Canada has previously acknowledged the contributions of other leading champions of human dignity, granting them honorary Canadian citizenship;

Therefore, the Senate of Canada resolves to bestow the title "honorary Canadian citizen" on Aung San Suu Kyi and requests that the people of Canada demonstrate their friendship and solidarity with Aung San Suu Kyi as an honorary citizen of Canada, and through her, to the people of Burma.

Hon. Tommy Banks: Honourable senators, I have a question of mere information. I think everyone here, at least certainly I, agree with the thrust of this motion and the honour that is being given to this spectacular person whose commitment is beyond a doubt. I note that in the motion each time the country of which she is a resident and prisoner is referred to as "Burma." Is there any international legality which would make the motion even more effective if we were to refer to it by the name its residents call it, which is "Myanmar"? Is it still legally called Burma someplace?

Senator Comeau: My understanding is it is still legally called Burma. In my view, and it is not the government's position, although it may decide to support me, the regime in power now is not one I think any parliamentarian, at least in this chamber, would wish to support. Why should we recognize their name for a country that refuses to recognize their duly elected leader, their Prime Minister? Why should we recognize that name? Therefore, let us leave the name Burma in the motion as it is now.

Hon. Senators: Hear, hear!

Hon. Sharon Carstairs: Honourable senators, I will support this motion to make Aung San Suu Kyi an honorary citizen of Canada. I would be remiss if I did not recognize the other parliamentarians of Burma who remain in jail. It is very clear that Aung San Suu Kyi has been under house arrest since 1989, but there are 26 parliamentarians in prison. They were duly elected in 1990. She, unfortunately, was not eligible to be elected in 1990. The government forbade her the right to run. Of the 26 duly elected that we know of, 13 of them have been in prison, some of them for 15 years. We know that in the case of two, their so-called term, their sentence, expired this year, at which point they were immediately told they would be required to spend two more years in prison.

We know that as a result of actions of monks and the public in Burma this summer, 13 more parliamentarians were arrested, and we do not know where they are. They certainly have not been subject to any trial procedure, but we know they are not free. We know they are not at large; they are in custody somewhere. We hope they are still alive. We also know of six parliamentarians who actually died in custody, and we know of two parliamentarians who were assassinated.

Honourable senators might ask why I have all this information at my fingertips. As some know, I chair the Committee on the Human Rights of Parliamentarians of the Inter-Parliamentary

Union, and we have been dealing with this case since the 1990s. I will outline some of the decisions we made at our meeting last week in Geneva.

We condemned the authorities' violent and wide-scale repression of peaceful protests in Myanmar through killings, ill-treatment and scores of arbitrary arrests of protesters, including those of 26 elected parliamentarians, many of whose whereabouts remain unknown. We strongly urged the authorities to release unconditionally those arrested forthwith and to refrain from further repressing dissent, to lift restrictions on human rights, and to end the harassment of political activism.

We affirmed that, as a result of the crackdown, the people of Myanmar are deprived of their only peaceful means to promote change in the country, given that their basic right to be represented by persons of their choosing which they exercised more than 17 years ago has never been respected. We considered that an outright defiance of the democratic aspirations of the people of Myanmar and that the outcome of the national convention only serves to prolong and legitimize military rule. We stressed once again that any transition towards democracy will fail so long as it is not generally free, transparent and reflective of the people's will. We urged the authorities to engage in genuine dialogue with those elected in the 1990 elections and to release forthwith the 26 elected parliamentarians who continue to languish in prison.

We remain convinced that strong action by the international community is crucial to help to bring about the release and respect of democratic principles in Myanmar. We were heartened by the international outcry and response to recent events in Myanmar, and encourage the members of Parliaments of the IPU, in particular China and India, as neighbouring countries, to pursue and, given the seriousness of the current situation in Myanmar, to strengthen their national, regional and international initiatives in support of these objectives and would greatly appreciate being kept informed in this regard.

Honourable senators, Senator Banks asked a very good question. Why does our resolution refer to Myanmar and the resolution presented this afternoon use the term "Burma"? As the deputy government leader, I believe Burma is the correct term because that is the manner in which the duly elected parliamentarians refer to this country. They call it Burma. Unfortunately, the United Nations uses the term "Myanmar," and the IPU has always used the designation that is given by the United Nations. I agree with Senator Comeau that this is a country that should be recognized as Burma because Burma is what the people elected to represent the people of Burma think it should be called.

Honourable senators, Aung San Suu Kyi represents the epitome of what democracy should represent. She has shown enormous courage and dedication to the cause. She has had to put her family's interest aside. One remembers well that when her husband died the authorities would not allow her to attend his funeral. They would not even allow her to be with him when he was ill because they would not allow her return to Burma.

Honourable senators must remember that along with Aung San Suu Kyi, there are millions of Burmese citizens who have no human rights. There are 26 duly elected parliamentarians, our colleagues, who are literally wasting away in Burmese jails.

Hon. Percy Downe: Honourable senators, I, too, rise in support of this motion as a member of the Canadian Parliamentary Friends of Burma. Our colleague Senator Jaffer serves with me on that executive. I obviously support this motion, but I will not repeat all the good points made by Senator Carstairs. I hope that Senator Comeau will explain to us or find out what other actions Canada is prepared to take. This is an important piece of the puzzle. I am particularly interested in Canadian companies that may be doing business in Burma and making a profit from military slave labour.

• (1600)

Has the government given any instructions or guidance to the Canadian Pension Plan Investment Board? Although the government does not direct the funding and investment, have they expressed an opinion to the board on investment in companies that are doing business in Burma at the current time? Do they have a list, for example, of which Canadian companies are operating in Burma? Are they proposing any sanctions against those companies? Do they propose any action to restrict those companies from doing business with the Government of Canada? Has the Prime Minister written to any of those companies? Has the Minister of Foreign Affairs taken any action? Could Senator Comeau find some additional information?

I am pleased to support the motion in and of itself, as I know others in the chamber are doing.

Senator Comeau: Honourable senators, I am pleased to hear that my honourable friend will be supporting the motion, and that is what the motion is all about. We did not include all of the extra questions that the senator has just asked. The motion is symbolic. Aung San Suu Kyi is a very courageous woman who symbolizes the problems faced by her country.

I would suggest that the senator place on the Order Paper all the questions he has asked. I am quite sure that he will get a better response than if I tried to track them down for him.

Senator Downe: I agree that this motion is a symbol of our support for Burma. However, in addition to symbolism, I believe that the Canadian government is in a position to take action in Canada and internationally. I will follow up on the senator's suggestion.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

CONTENTS

Wednesday, October 17, 2007

	PAGE		PAGE
Afghanistan—Fallen Soldiers		Criminal Code (Bill S-203)	
Silent Tribute.		Bill to Amend—First Reading.	
The Hon. the Speaker	8	Hon. John G. Bryden	12
Visitors in the Gallery		National Philanthropy Day Bill (Bill S-204)	
The Hon. the Speaker	8	First Reading.	
		Hon. Jerahmiel S. Grafstein	12
		Bankruptcy and Insolvency Act (Bill S-205)	
		Bill to Amend—First Reading.	
		Hon. Yoine Goldstein	12
		Food and Drugs Act (Bill S-206)	
		Bill to Amend—First Reading.	
		Hon. Jerahmiel S. Grafstein	12
		Statutes Repeal Bill (Bill S-207)	
		First Reading.	
		Hon. Tommy Banks	12
		Drinking Water Sources Bill (Bill S-208)	
		First Reading.	
		Hon. Jerahmiel S. Grafstein	12
		Criminal Code (Bill S-209)	
		Bill to Amend—First Reading.	
		Hon. Céline Hervieux-Payette	13
		Criminal Code (Bill S-210)	
		Bill to Amend—First Reading.	
		Hon. Jerahmiel S. Grafstein	13
		Canada Securities Bill (Bill S-211)	
		First Reading.	
		Hon. Jerahmiel S. Grafstein	13
		Immigration and Refugee Protection Act (Bill C-280)	
		Bill to Amend—First Reading	13
		Kelowna Accord Implementation Bill (Bill C-292)	
		First Reading	13
		Criminal Code (Bill C-299)	
		Bill to Amend—First Reading	13
		Development Assistance Accountability Bill (Bill C-293)	
		First Reading	13
		Assemblée parlementaire de la Francophonie	
		Meeting of Parliamentary Affairs Committee,	
		May 22-24, 2007—Report Tabled.	
		Hon. Pierre De Bané	14
		The Senate	
		Notice of Motion to Strike Special Committee on Aging.	
		Hon. Sharon Carstairs	14
		Human Rights	
		Notice of Motion to Authorize Committee to Study Organization	
		for Security and Cooperation in Europe 2007 Declaration	
		on Anti-Semitism and Intolerance.	
		Hon. Jerahmiel S. Grafstein	14
		The Senate	
		Notice of Motion to Urge Government to Negotiate	
		Free Trade Agreement with European Union.	
		Hon. Hugh Segal	18
SENATORS' STATEMENTS			
The Honourable Bert Brown			
Welcome to the Senate.			
Hon. Marjory LeBreton	8		
Hon. Claudette Tardif	8		
The Honourable Andrée Champagne			
Recovery from Illness.			
Hon. Andrée Champagne	9		
International Day for the Eradication of Poverty			
Hon. Rose-Marie Losier Cool	9		
The Honourable Bert Brown			
Welcome to the Senate.			
Hon. Marcel Prud'homme	10		
The Honourable Wilbert J. Keon, O.C.			
Congratulations on Induction into Canadian Medical Hall of Fame.			
Hon. Art Eggleton	10		
ROUTINE PROCEEDINGS			
National Round Table on the Environment and the Economy			
Government Response Pursuant to Kyoto Protocol			
Implementation Act Tabled	11		
Privacy Commissioner			
2006-07 Annual Report Tabled	11		
Study on Funding for Treatment of Autism			
Government Response to Report of Social Affairs,			
Science and Technology Committee Tabled.			
Hon. Gerald J. Comeau	11		
Business of the Senate			
Notice of Motion to Change Commencement Time			
on Wednesdays and Thursdays and to Effect			
Wednesday Adjournments.			
Hon. Gerald J. Comeau	11		
Aung San Suu Kyi			
Notice of Motion to Confer Honorary Citizenship.			
Hon. Gerald J. Comeau	11		
Financial Administration Act			
Bank of Canada Act (Bill S-201)			
Bill to Amend—First Reading.			
Hon. Hugh Segal	12		
Bill to Provide Job Protection for Members of the Reserve Force			
(Bill S-202)			
First Reading.			
Hon. Hugh Segal	12		

	PAGE
Charter of Rights and Freedoms	
Recognition of Twenty-fifth Anniversary—Notice of Inquiry.	
Hon. Sharon Carstairs	18

QUESTION PERIOD

Speech from the Throne	
Measures to Combat Poverty.	
Hon. Céline Hervieux-Payette	18
Hon. Marjory LeBreton	18
Measures to Integrate Immigrants.	
Hon. Céline Hervieux-Payette	18
Hon. Marjory LeBreton	19
Measures to Combat Child Poverty.	
Hon. Jim Munson	19
Hon. Marjory LeBreton	19
Meeting Objectives of Kyoto Protocol Implementation Act.	
Hon. Grant Mitchell.	19
Hon. Marjory LeBreton	19
Measure to Address Aboriginal Land Claims.	
Hon. Gerry St. Germain	20
Hon. Marjory LeBreton	20
Measures to Address Post-secondary Education Issues.	
Hon. Claudette Tardif	21
Hon. Marjory LeBreton	21

Finance

Atlantic Accord—Offshore Oil and Gas Revenues.	
Hon. James S. Cowan.	21
Hon. Marjory LeBreton	21
Hon. Jane Cordy	21

Assemblée parlementaire de la Francophonie

Meeting of Cooperation and Development Committee, March 6-8, 2007—Report Tabled.	
Hon. Rose-Marie Losier-Cool	22
Convention on Elimination of All Forms of Discrimination Against Women, May 3-7, 2007—Report Tabled.	
Hon. Rose-Marie Losier-Cool	22

ORDERS OF THE DAY

Speech from the Throne

Motion for Adoption of Address in Reply—Debate Adjourned.	
Hon. Gerald J. Comeau	22
Hon. Bert Brown	25

Aung San Suu Kyi

Motion to Confer Honorary Citizenship Adopted.	
Hon. Gerald J. Comeau	26
Hon. Tommy Banks	26
Hon. Sharon Carstairs	26
Hon. Percy Downe	27



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA1
Y1
D32

Library
Publications



CANADA



Debates of the Senate

2nd SESSION

• 39th PARLIAMENT

• VOLUME 144

• NUMBER 3

OFFICIAL REPORT
(HANSARD)

Thursday, October 18, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, October 18, 2007

[Translation]

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

AUNG SAN SUU KYI

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, today is Persons Day in Canada, and I would like to express my support for and solidarity with the extraordinary woman who is the democratically elected head of state in Burma, also known as Myanmar: Aung San Suu Kyi.

Winner of the Nobel Peace Prize in 1991, Ms. Suu Kyi has wisely and peacefully defended the rights of the Burmese people. She has battled Burma's military authorities, who are bent on oppression and ethnic cleansing.

• (1405)

Recently, the Burmese government used harsh and violent measures against peaceful citizens and monks. The worst violence imaginable is happening right now in a country that has banned the entire world's humanitarian organizations and journalists for over 30 years, a country where torture is commonplace and where civilian courts have been suspended. Moreover, this narco-dictatorship now employs over 70,000 child soldiers.

Aung San Suu Kyi, so aptly described as a woman of great courage by Antoinette Fouque, a member of the European Parliament, deserves our full support in her battle against the oppression of her people because she has always stood up to the dictatorship in the name of democracy.

Imprisoned by the military since 2003, Ms. Suu Kyi's voice has been silenced. In the name of democracy, Canada must demand that she be freed.

As a parliamentarian, I am pleased and proud that yesterday we honoured Aung San Suu Kyi's extraordinary courage by conferring honorary Canadian citizenship upon her. I fully support that part of the Speech from the Throne.

I would like to close with a few words from Ms. Suu Kyi herself, which were published in the *New York Times* when the Sakharov Prize for Freedom of Thought was awarded by the European Parliament in 1990.

[English]

Concepts such as truth, justice and compassion cannot be dismissed as trite when these are often the only bulwarks which stand against ruthless power.

THE LATE HONOURABLE MAURICE RIEL, P.C., Q.C.

Hon. W. David Angus: Honourable senators, today we pay tribute to our former colleague, my late friend and partner, Senator Maurice Riel, who passed away in Montreal on July 20, 2007, at the age of 85.

[Translation]

Senator Riel served in the Senate for over 22 years, representing the senatorial district of Shawinigan.

Born in Saint-Constant, Quebec, he was a true Quebecer. He was very proud of his French-Canadian roots and of his francophone cultural heritage. He was also a great federalist.

My good friend Maurice Riel was called to the Quebec bar in 1945.

[English]

He soon developed a highly successful law practice in international business law, with an impressive list of clients abroad, especially in France, as well as in Canada.

I knew Senator Riel as a loyal partner and a personal friend over the years since he joined me in the Montreal office of Stikeman Elliott in mid-1973. He was a very congenial and approachable man. His door was always open.

As well as being a distinguished lawyer, a successful businessman and a respected politician, Maurice Riel was a true gentleman, a decent, warm and patient individual who was known in Canada and abroad for his integrity, his keen business acumen, his wise judgment and his sense of balance. These admirable qualities served him well in his role as Speaker of this chamber from December 1983 to September 1984, as well as in his role on the boards of directors of numerous public and private corporations in Canada including the Bank of Canada.

Honourable senators, Senator Riel was a stalwart member of the Liberal Party of Canada, and was its chief fundraiser in Quebec for more than a decade. He was a dear, close friend and adviser of Pierre Elliott Trudeau, and he shared his vision of a strong and united Canada. Mr. Trudeau named him to this place on October 1, 1973.

I know that Senator Riel very much enjoyed his time in the Senate. He made lasting friendships amongst senators on both sides of our chamber. He served actively for over 10 years on the Standing Senate Committee on Agriculture and Forestry and he also made a valuable contribution on several other committees, including Foreign Affairs, a subject that he loved very much.

• (1410)

[Translation]

He had great respect for the Senate as an institution and firmly believed that the Upper House was a useful and necessary part of the democratic system in Canada.

[English]

Prior to my appointment in 1993, Senator Riel often spoke fondly to me of the Senate and its virtues. He expressed his sincere hope that I would join him here one day. Despite our political differences, Maurice and I had numerous discussions and spirited exchanges over the years on our favourite subjects of Canadian and international politics, public affairs and public policy.

[Translation]

He had many strings to his bow: he was very refined, cultured and learned. He loved music, literature and the arts.

[English]

He had a well-developed sense of humour and was, in all respects, a fascinating and pleasant companion and colleague. In my view, the late Senator Riel was a special Canadian who was passionately dedicated to his province and this nation. On behalf of all Conservative senators, I extend a sincere expression of sympathy to his dear widow Laurence, to the extended Riel family and to his large circle of friends.

Dear Maurice, may God bless you and rest your soul.

[Translation]

May God bless your soul and your family.

GOVERNOR GENERAL'S AWARDS IN COMMEMORATION OF THE PERSONS CASE

CONGRATULATIONS TO THE 2007 RECIPIENTS

Hon. Lucie Pépin: Honourable senators, since 1982, the month of October has been dedicated to Canadian women who have advanced and who are advancing the status of women.

The highlight of Women's History Month is the presentation of the Governor General's Awards in Commemoration of the Persons Case. I was delighted to honour the Famous Five who opened the doors to women in the Senate. Thanks to them, honourable senators, you have the privilege of having us as colleagues.

Yesterday, Wednesday, the Right Honourable Michaëlle Jean honoured six Canadian women who are carrying on the tradition of the five famous Albertans. Today, I would like to speak about the award winners.

Mildred Burns is originally from Montreal, where she was a professor at McGill University. Ms. Burns has worked non-stop to ensure that women found senior teaching jobs and had equal access to education programs. Furthermore, she worked hard to ensure that these professors could work past age 65, to the age of 75.

Shari Graydon, of Kingston, Ontario, is a passionate teacher and tireless advocate for social justice. Through her writing, she has increased public awareness of sexism within the media. Ms. Graydon also initiated the Annual Persons Day Reception on Parliament Hill.

Élaine Hémond, of Quebec City, is the co-founder of the Groupe Femmes, Politique et Démocratie. A researcher and journalist, she is particularly well known and recognized for her commitment to increasing women's awareness of their rights and responsibilities in the area of political involvement. She created a mentoring school in order to give women who wish to run for municipal, provincial or federal political office a solid foundation for their election.

Wendy Robbins, of Fredericton, New Brunswick, is a pioneer in the field of women's studies. Through her efforts, this distinguished academic contributed to the establishment of pay equity within the New Brunswick public service.

Muriel Smith is another recipient. A teacher and politician from Winnipeg, Manitoba, she was elected in 1981 and was the first woman in Canada to be named Deputy Premier. She also ushered in the first pay-equity legislation in Canada.

Viviana Astudillo Clavijo, of Toronto, Ontario, is the Youth Award recipient. An ardent defender of students' rights, Ms. Astudillo-Clavijo is also a gifted artist whose work addresses the challenges facing girls and young women in today's society.

I invite all honourable senators to join me in commending these six extraordinary women. The Famous Five, for whom these women have been honoured, would certainly be very proud of them today.

• (1415)

[English]

PERSONS DAY

Hon. Nancy Ruth: Honourable senators, October 18, 2007, is Persons Day. On this date in 1929, the Judicial Committee of the Privy Council in England found that women were indeed "persons" under section 24 of the British North America Act.

On this day, we think of the Famous Five from Alberta who fought for this victory: Emily Murphy, Henrietta Muir Edwards, Louise McKinney, Irene Parlby and Nellie McClung. While Persons Day holds significance for the women sitting in this chamber, it is of course a day of great significance to all Canadians. The women of our country today participate in Canadian society in ways that those five women could only dream of almost 80 years ago; and 80 years from now, women will participate in Canada in ways that we can only dream of and cannot even imagine.

Honourable senators, our Conservative government has done things to help women. It has moved on matrimonial property rights for Aboriginal women, and it has given \$300 million for cervical cancer shots for young women. Status of Women Canada, with its increased budget, supports projects such as one at the Centre Actu-Elle in Gatineau, Quebec, which aims to improve the quality of life of young single-parent women. I know that Status of Women, in spite of the change in its granting rules, will continue to support ginger groups and ginger ideas through its conference budget.

In the Speech from the Throne this week, the government spoke of tackling crime and strengthening the security of all Canadians. A likely outcome is an increase in the numbers of imprisoned women. The government's emphasis on longer prison sentences is guaranteed to increase the numbers of women imprisoned, at a cost of \$50,000 to \$250,000.

The way to help these women is by increased drug treatment, welfare, housing and skills training. I urge the government to increase funding for women in these areas. It is only by helping women all across the country to reach their full potential that we continue to honour the Famous Five and all Canadian women who have contributed to the fight for equality.

In closing, honourable senators, I extend my congratulations to the 2007 recipients of the Governor General's Awards in Commemoration of the Persons Case, which were awarded at Rideau Hall yesterday. The women who were honoured this year are as follows: Mildred Burns of Montreal, Quebec; Shari Graydon of Kingston, Ontario; Elaine Hémond of Quebec City, Quebec; Wendy Robbins of Fredericton, New Brunswick; Murial Smith of Winnipeg, Manitoba; and Viviana Astudillo-Clavijo of Toronto, Ontario, who received the Youth Award.

Congratulations to each and every one of these women.

PRINCE EDWARD ISLAND

COLLEGE OF PIPING AND CELTIC PERFORMANCE ARTS OF CANADA

Hon. Catherine S. Callbeck: Honourable senators, this past summer the Pipe Band from the College of Piping and Celtic Performance Arts of Canada, located in my home province of Prince Edward Island, placed fourth in Grade 3B at the World Pipe Band Championships in Glasgow, Scotland. In all, 255 bands competed in over eight grades, bringing together more than 8,000 pipers and drummers from around the world.

Led by Pipe Major Scott MacAulay and drum Sergeant Jeremy White, this band worked hard and worked together to achieve this great success. This accomplishment is all the more impressive given that the other 24 bands in this grade were comprised mostly of adults; but the College of Piping's Pipe Band is not. Sixteen of the band's 24 members are under the age of 19; the youngest drummer is just 12.

Since it was established in 1990, the college has been actively preserving and promoting Celtic culture and heritage by offering instruction in the traditional Celtic arts of piping, drumming and dance. In fact, it is the only school of this type in North America.

Prince Edward Island is certainly a fitting location for this college. Seventy per cent of Islanders trace their roots to Scotland and Ireland; 45 per cent are of Scottish descent, while 25 per cent are of Irish descent. The rich musical tradition found in Prince Edward Island flows from that Celtic background, and the College of Piping is a product of our cultural heritage.

The success of the college's pipe band in Scotland at the world championships is a testament to the musicians' hard work and dedication, and definitive proof of the quality of instruction at the college. In fact, this triumph is just the latest victory these musicians have achieved. This band also won the North American championship last year.

Honourable senators, Islanders are proud of the pipe band's success. Please join me in congratulating these fine musicians for representing their country with such distinction.

• (1420)

THE HONOURABLE BERT BROWN

WELCOME TO THE SENATE

Hon. Gerry St. Germain: Honourable senators, I rise today to welcome and pay tribute to Senator Bert Brown.

Over 20 years ago, he started his campaign for an elected Senate. During the years 1989 to 1994, while I was party president and through two Conservative majority governments in the House of Commons, Bert Brown spent hour after hour trying to convince me of the Triple E Senate. I argued with him; I used to say the equal bit was always tough, but I always agreed with him deep down because it represents what our constituents in Western Canada want. He said yesterday in his speech that 80 per cent of Canadians are in favour of visiting this particular subject of an elected Senate.

My friend, it is nice to see you here. I sat in this place as a Canadian Alliance senator and preached the virtues of an elected Senate. Often, to my dismay, there were people who disagreed with me. Having said that, if election of senators generates the legitimacy — as he and I know that Westerners want — he is a legitimate son of the Senate.

The great debate goes on and we are making progress. It was from Alberta, as Senator Nancy Ruth pointed out, that the Famous Five came. Could honourable senators imagine in 1929 that a woman should vote? Can they imagine in this great era of 2007 that we should elect senators? So we are making progress. Congratulations, we are glad to have you here.

Hon. Joyce Fairbairn: Honourable senators, it is with great pleasure that I join colleagues on both sides of this chamber today to welcome our new colleague, Bert Brown, into the Senate of Canada. Senator Brown comes here with a slightly different background from the rest of us, through the three elections of senators held in Alberta in 1989, 1998 and 2004. He won in each of them and has continued to promote Senate reform vigorously across this country ever since.

Like thousands of other Canadians, I first became connected with our new senator by looking out an aircraft window at the field of his neighbour, where Senator Brown had ploughed a giant message of Triple E, elected, effective and equal. That became his battle cry, which reverberated across the country and influenced the appointment of our first elected senator, the late senator and general, Stan Waters, to this chamber. It was an honour for me to help introduce him at the time. Senator Brown has been engaged in this issue ever since on the Canadian Committee for the Triple E Senate, the Alberta Provincial Committee for an Elected Senate and as a long-time member of the Alberta task force.

Early on in my life as an Alberta senator, I was greeted with some doubt and anxiety, being a Liberal after all, and was eager to get out on the road whenever possible to meet, greet and speak in communities surrounding my home turf of Lethbridge. I will

never forget how my heart sank on one occasion when I trotted up to address a room full of farmers, and discovered I was sharing the stage with Bert Brown and a prominent minister and deputy premier of Alberta, Dr. James Horsman. I thought we were there to talk about agriculture, but they were there to talk about Senate reform. To put it mildly, I learned a lot that day.

Our colleague, as you have heard from others, has been a long-time farmer, a journalist — another connection between us — a pilot, a realtor and a member of many agricultural organizations, foundations and political associations, as well as the founder of the Canadian agriculture lobby. Apart from all his abilities, including a great sense of humour, his greatest asset is his wife, Alice, and their daughter, Angela. His presence in this chamber will enhance the Senate, and I am honoured to have his friendship.

• (1425)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of His Excellency Degefe Bula, Speaker of the House of the Federation of the Federal Democratic Republic of Ethiopia. He is accompanied by Mr. Alebachew Niguse, Mr. Habtamu Nini, Ms. Balemwal Abeshaw, Mr. Birhanu Sime, Dr. Zewdu Guangul and Dr. Petra Zimmermann-Steinhart.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

2006-07 PUBLIC ACCOUNTS OF CANADA

TABLED

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) I have the honour to table, in both official languages, the Public Accounts of Canada 2006-07.

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—FIRST READING

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I have the privilege to present Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—FIRST READING

Hon. Serge Joyal presented Bill S-212, to amend the Parliamentary Employment and Staff Relations Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Joyal, bill placed on the Orders of the Day for second reading two days hence.

[English]

THE SENATE

NOTICE OF MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES

Hon. Wilfred P. Moore: Honourable senators, pursuant to rule 57(1)(b), I give notice that, two days hence, I will move:

That the following humble address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he “does not intend to appoint senators, unless necessary” represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister’s disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section 32 of the Constitution Act, 1867, which states, “When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.”;

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the wilful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.

• (1430)

[Translation]

KYOTO PROTOCOL

OBJECTIVES AND ECONOMIC IMPLICATIONS— NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, pursuant to rule 56 and rule 57(2), I give notice that on Tuesday, October 23, 2007:

I will call the attention of the Senate to the importance and economic potential in pursuing the Kyoto objective.

[English]

CANADA PENSION PLAN

SENIORS' BENEFITS—NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will draw the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.

[Translation]

QUESTION PERIOD

STATUS OF WOMEN

FUNDING OF WOMEN'S ISSUES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, yesterday the Leader of the Government in the Senate was kind enough to make mention of my new duties. I will return the favour by wishing her good luck in the new responsibilities the Prime Minister has given her.

I want to assure the minister that I will work with her regarding seniors as well as on all the issues she is given to handle, provided that they are in the interest of Canadians and particularly Quebecers.

Today, we celebrate a special day for women in the Senate and across Canada: the anniversary of the historic decision that recognized women as persons and allowed them to sit in the Senate. Very few Canadians today are aware that at the time women were not considered equal to men. For the first time in the history of the Canadian Senate, the positions of leader of the government and leader of the opposition are held by women.

[Senator Moore]

Like me, the Leader of the Government has spent her career working in what is essentially a man's world. Like me, she has had to carve out a place for herself as a woman in this world of men. Thank goodness we have seen women make great strides in politics over the years.

The Leader of the Government has the power and influence to further the cause of women. Can she assure us that, when the Minister of Finance prepares his mini-budget, she will speak on behalf of Canadian women about the funding for support programs for women's groups that, because of past cuts, are less able to defend women's rights?

• (1435)

I would like to have the assurance of the Leader of the Government that she will pass on this message and obtain additional funding to protect the rights of women in Canada.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Hervieux-Payette for her kind words. It is no secret that I have spent many years in politics. Before I came to the Senate, I was very pleased to have been in charge of order-in-council appointments. The government that I was associated with at the time increased the number of women appointed to major boards and commissions from less than 15 per cent when we came into office to over 30 per cent when we left. We appointed women to non-traditional positions such as the Veterans Review and Appeal Board, the Civil Aviation Tribunal, the Export Development Corporation and many other major government bodies.

On the subject of added responsibilities that I have been given by the Prime Minister, in the latest cabinet shuffle I was appointed chair of the cabinet's social affairs committee and as a member of the cabinet's treasury board committee.

Yesterday, in the other place, a colleague of the Leader of the Opposition in the Senate placed a motion on the Order Paper which reads:

That, in the opinion of the House, the government should recognize the growing segment of seniors in our society by establishing the cabinet position of "Secretary of State for Seniors" to be the principal advocate for seniors issues.

I was taken aback by that motion as I have been the Secretary of State for Seniors since January, in which position, of course, I work a lot with senior women.

I was struck by Mr. Szabo's lack of knowledge of my responsibility as Secretary of State for Seniors. I wondered whether that lack of knowledge is due to the fact that I am a woman or perhaps because I am a senator.

Perhaps Senator Hervieux-Payette could apprise her colleague in the other place of the fact that there is a Secretary of State for Seniors, as promised by the Prime Minister in the last election.

In direct response to the question, our government believes in the full participation of women in society and will continue to support women through programs that are managed effectively. For example, Minister Verner recently announced, and Senator Nancy Ruth spoke to this in her statement on Persons Day, that we are providing funding for a project that helps young, single-parent women in Gatineau. In 2006-07, we increased the budget of Status of Women Canada to \$29.9 million with \$15.3 million for the Women's Program, the highest budget in the agency's history.

The Women's Program was refocused and is now composed of two components; the Women's Community Fund with \$12.3 million and the Women's Partnership Fund with \$3 million.

[Translation]

Senator Hervieux-Payette: The real focus of my message was the importance of reinstating funding to defend the rights of women in all manner of instances. I am asking the Leader of the Government to argue in favour of all these women who come to speak to us. It is essential that we defend them.

I am asking her to give the message to the Minister of Finance to restore the program. I can assure you of my support and there will be no controversy between the Liberal Party and the Conservative Party in reinstating the funding to allow women to fully exercise their rights.

In the coming months, in the event that we have an election in November 2009, and given the number of women in cabinet and the number of women candidates in the Conservative Party, could the Leader of the Government, through her contacts, also increase the presence of women. I am not saying that we have to make sure they all get elected, that would be a bit of a dichotomy. Nonetheless, we have to ensure that women have a place in every political party, including the Conservative Party.

[English]

Senator LeBreton: I thank Senator Hervieux-Payette for the question. I presume that she is referring to the National Association of Women and the Law and the accusations that our government was forcing it to close offices due to changes in the funding criteria.

Status of Women Canada continues to fund projects to directly assist women in their communities, particularly women in vulnerable situations.

• (1440)

As Minister Verner has stated, this association received \$290,000 from the government in 2006 for a project concerning women's economic security and physical safety. The association continues to be eligible to apply for this type of funding. However, it did not apply for funding in 2007-08.

With regard to the way we have restructured the funding through Status of Women Canada, funding will be provided only when it is applied for.

With regard to attracting more women to politics, obviously that is the goal of all political parties. It is certainly the goal of our political party, as it is the goal of the honourable senator's party.

I have been asked this question many times, and I have consulted with women. What we collectively must do is make the political arena a more attractive place for women. Right now, women have many more career choices, perhaps, than they had when I was a bit younger. Many of them have told me they would love to run for politics, but there are other career options that they would rather consider.

It is incumbent upon all of us to make the political arena more attractive for women at all levels.

JUSTICE

APPOINTMENT OF LAWRENCE O'NEIL TO SUPREME COURT OF NOVA SCOTIA

Hon. Grant Mitchell: Honourable senators, we learned today that the government has appointed Lawrence O'Neil to the Supreme Court of Nova Scotia. Lawrence O'Neil, a former MP, is distinguished by virtue of his strong anti-abortion stance. On this particular day, does this appointment reveal the government's true position and feelings on the issue of women's rights and the right of women to choose?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. As the senator knows, judicial appointments go through a rigorous appointment process that was set up originally by the Mulroney government, and carried on by the Chrétien and Martin governments. There is a review process in which each jurisdiction recommends people they believe are qualified for the bench. We have followed this same procedure.

People have views on any given issue, and many people of all political stripes have strong views on that particular issue.

This party is no different than the honourable senator's party. Lawrence O'Neil came through the Judicial Review process and was appointed. I think we all agree that a person's political background should not in any way be detrimental to their ongoing careers.

What is important is that they are recommended by their peers in their jurisdictions and that they are competent.

THE SENATE

PROPOSED CONSULTATIONS ON SELECTION OF SENATORS

Hon. Joan Fraser: My question is for the leader of Canada's formerly new government in the Senate. It has to do with the Speech from the Throne that we heard on Tuesday night.

We were told in the speech that the government will reintroduce its bill for what was termed, "direct consultations with voters on the selection of Senators."

As it happened, a few hours earlier on Tuesday I had been cruising the Conservative Party's website and refreshed my memory by consulting their Texas-type negative ads, several of which refer, in critical tones, to unelected senators. There are also several references to Senate elections.

Yesterday we heard a fine maiden speech from our new colleague, Senator Brown. May I add my voice to those who have congratulated him on his appointment to this chamber.

Senator Brown referred to himself a couple of times as an elected senator.

Senator Cools: Yes, wrong.

Senator Fraser: He also made a couple of statements about Prime Minister Harper's intentions. He has had marked indications of close relations and respect from Prime Minister Harper this week.

• (1445)

Senator Brown said that Prime Minister Harper wants to see Senate seats filled by an election process, and that the government of Stephen Harper thinks it is now time for the idea of the election of senators to be expanded to other provinces. What are we talking about? Are we talking about elections or consultations?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I can understand Senator Fraser's sensitivity to this issue.

In the last session of Parliament, we had two pieces of legislation, one introduced in this place on the subject of Senate tenure and one introduced in the other place in regard to a process for the selection of senators. We can get into a "splitting-hairs" debate. The fact is that Senator Brown was elected through a process in the province of Alberta. British Columbia had such a process, but it had a time limit on it, which has now run out, and I believe Manitoba has such a provision.

In actual fact, the legislation that we tabled in the last session, which will be coming back in some form in this one, is a Senate selection process whereby the jurisdictions within the provinces will run a Senate selections process. Once the various provinces or jurisdictions have gone through this process, the Prime Minister will then have a list from which to appoint senators to this place.

Senator Fraser: As between selections and elections, if the Prime Minister is committing himself to appoint those who have been selected and/or elected, it sounds to me as if, as the Leader of the Government suggests, this is a distinction without a difference, which leads us smack to the Constitution of Canada.

The Constitution Act, 1982, says that one cannot change the method of selection of senators without the agreement of seven provinces representing 50 per cent of the population.

How is the government planning to get around that?

Senator LeBreton: The honourable senator is absolutely right. The Prime Minister appointed Senator Brown to the Senate after the province of Alberta twice, by huge majorities, elected him as their senator in waiting. He was in waiting for a significant period of time.

Once the election process in Alberta was complete — and of course this was also done by Prime Minister Mulroney, in the case of Stan Waters — the Prime Minister acknowledged the wishes of

the province, in this case Alberta, but in terms of the Constitution of the country, the same process was followed. The Governor General, on the advice of the Prime Minister, appointed Senator Brown to the Senate of Canada.

Senator Fraser: I congratulate Senator Brown on his success in winning the support of the voters of Alberta more than once. Not many people can do that, and it is an accomplishment of which to be proud. Nonetheless, if we are moving to a process whereby every senator will be the product of an electoral system, then surely the government is proposing is to do indirectly what it cannot do directly according to the Constitution, that is, move unilaterally to a system of electing senators.

Can the leader not see that this represents complete contempt for the Constitution?

Senator LeBreton: Honourable senators, I will not address the subject of contempt in this place. The fact is that the Prime Minister simply recognized the wishes of the electors of Alberta, as former Prime Minister Mulroney did with Stan Waters. Senator St. Germain is quite right that the Liberals overlooked the wishes of the people of Alberta. Prime Minister Martin appointed people to this place, overlooking the wishes of the people of Alberta.

• (1450)

As the honourable senator knows, during the previous session, bills on Senate tenure and the Senate selection process were introduced after we had received strong advice from constitutional experts that the bills were constitutional. Now, we are in a new Parliament and these bills will be tabled again.

Senator Cools: We are not in a new Parliament. We are in a new session of Parliament.

Senator LeBreton: There will be an opportunity for members of the House of Commons and the Senate to make all of their views known and to hear all of the witness testimony they want. I am quite certain that there will be a long and protracted debate on this issue once again.

Hon. Bill Rompkey: In view of the fact that there will be a debate on this important topic, would the minister agree to tabling the legal advice that she has received in respect of the question?

Senator LeBreton: I thank the senator for his question. The Prime Minister, when speaking to the Speech from the Throne, indicated that because the issue is so important, the bill should be referred to committee for full study after first reading in the House. The suggestion is valid, and I hope that members on the other side will take the opportunity to study fully the legality and constitutionality of the issue before it comes back to the House and then over to the Senate.

Senator Rompkey: That is interesting but does not answer my question: Will the minister table in the Senate the legal advice and opinions that she has received on this topic?

Senator LeBreton: The legal opinions were part of the public record not only in Senator Hays' report of the Special Committee on Senate Reform but also in the testimony of legal and constitutional experts who appeared before the committee.

Senator Rompkey: They said, no.

Senator LeBreton: The opinion that we received was put on the public record during the deliberations on Bill S-4 before the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Rompkey: That does not answer my question, which was very simple: Will the minister table in the Senate the legal opinions received?

Senator LeBreton: I was asked these same questions during the last Parliament. As I believe I said, any opinions provided to the government as part of the formulation of proposed legislation are —

Senator Rompkey: Confidential.

Senator LeBreton: However, having said that, the advice provided by people that we relied on, including former Senator Beaudoin, whom both sides acknowledge to be a constitutional expert, was all repeated, almost verbatim, before the Standing Senate Committee on Legal and Constitutional Affairs when it studied Bill S-4.

PUBLIC SAFETY

ENFORCEMENT OF REGULATIONS REGARDING FOOD IMPORTS

Hon. Lorna Milne: Honourable senators, the most recent Speech from the Throne indicated that the government shares the concern of Canadian parents about the safety of our food. Apparently, the government intends to introduce measures on food safety to ensure that families have confidence in the quality and safety of what they buy. This is a good thing. It is particularly interesting because a letter to the Honourable Ralph Ferguson, signed by the Minister of Public Safety and Emergency Preparedness on September 7, 2007, reveals a rather flippant attitude toward the issue of safety of foods imported into Canada.

• (1455)

In fact, Minister Day stated that the regulations regarding the issue of food safety fall under the Canadian Food Inspection Agency. His agency, the Canadian Border Services Agency, is not responsible for answering any questions about why food products containing chemicals banned in Canada, and food products that are produced, processed or packaged in countries not meeting Canadian sanitary standards are still allowed to be imported into Canada.

My question for the Leader of the Government in the Senate is simple: Since this government has now decided to take an active interest in the issue of safe imported food, will the Minister of Public Safety be advised to take a more considered attitude towards the enforcement of regulations regarding food imports, or will this government continue their policy of telling Canadians one thing and doing another?

That is to say, has Minister Day been brought to see the light on the road to Damascus?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have had this discussion here before with the Honourable Senator Milne, regarding the great confusion about food labelling. If I am not mistaken, I believe the honourable senator quoted another letter from Dr. Ralph Ferguson.

With the growing global economy and the way goods and services move around the world, the whole issue of food safety is not something that just started in January 2006. The Department of Health and the Minister of Health, with the previous government and with this government, are concerned about the importation of unsafe products. As the Speech from the Throne mentioned, this concern extends not only to food products but also to all products, including toys that our children and grandchildren play with.

We have made a commitment to this matter in the Speech from the Throne, and the honourable senator must await further details regarding the measures we plan to put in place to deal with it.

Senator Milne: I thank Senator LeBreton for her response. She is right. I brought this subject up once before and I tabled the letter from the Honourable Ralph Ferguson. I am willing to table this letter as well.

Does the Leader of the Government in the Senate agree that it is Minister Day's job, as Minister of Public Safety and head of the Canada Border Services Agency, to ensure that products containing chemicals banned in Canada and foods produced in countries not meeting Canadian sanitary standards not be allowed into Canada?

Are Minister Day and his organization not the last line of defence before Canadians are exposed to imported foods that they previously believed they would be protected from by their government?

If Canadians cannot have faith in their Minister of Public Safety to be accountable for enforcing the current food import safety regulations because he is allowing unsafe food products to come into Canada, then why should they trust this government to make necessary changes? Perhaps a new minister is required, rather than new measures.

Senator LeBreton: Honourable senators, I think there would be a great deal of disagreement with Senator Milne over the qualifications of Minister Day. From every person that I have talked to, including people at work within the bureaucracy, he has been an outstanding Minister of Public Safety.

The Government of Canada is committed to safe, secure and efficient borders. This commitment includes dealing with smuggling, drug trafficking and all products that cross our border. Minister Day has taken many measures, and has invested considerable sums of money — I think about \$430 million — in increasing border infrastructure to ensure that our borders are safer.

With regard to products and food products, the Department of Health also has a responsibility there. I will take that portion of the question specifically as notice and ask both departments to bring the honourable senator up to date on the measures that are being taken to secure safe products coming into our country.

• (1500)

Senator Milne: I thank the honourable senator for that response.

In order to facilitate the process, may I have the permission of the Senate to table this letter from the Honourable Ralph Ferguson?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

SPEECH FROM THE THRONE

MEASURES REGARDING SENIORS

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. I felt empty and sad at the end of the Speech from the Throne two days ago, and one may ask why. The answer is clear: There was barely a mention of families and children; a glib statement without substance that families now have real choice in child care; so little about health care, education and research; and nothing for seniors, except for a passing message under the theme of the environment. Again, there was nothing for elderly women or men, so many of whom live in poverty in this country of hope and generosity of spirit. Perhaps I should use the words from the Speech from the Throne: "A land where merit trumps privilege."

If our new government, now not so new, believes this sentiment, why was there so little for the most vulnerable among us? Do seniors not merit priority attention in the Speech from the Throne?

My question for the Honourable Leader of the Government in the Senate is: Why did she not insist on more for seniors, especially since she is the federal minister responsible for them?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator and I must have been listening to a different speech. The Speech from the Throne was clear and I was proud of the references to seniors, particularly on the issue of elder abuse, an area that I have been profiling.

This government increased the budget of the New Horizons for Seniors program. Though one senator accused us of getting rid of the New Horizons program, we have earmarked a considerable sum of money to highlight the serious problem of elder abuse. The National Seniors Council, which the government appointed, has been seized with this issue. The first mandate we have given the council is to deal with the issues of elder abuse and struggling low-income seniors, who are mostly women, but some men.

I met with the National Seniors Council last Thursday and Friday in Halifax, where I addressed the issue of elder abuse. The council has been working with their territorial and provincial counterparts on combating poverty among seniors and on the issue of elder abuse. There was much in the Speech from the Throne that was directed to the interests of seniors.

The Speech from the Throne also outlined an initiative to get tough on crime. I have travelled all over the country this summer. In addition to the obvious things that seniors bring to my

attention, crime was mentioned every single time. Seniors are very concerned about crime; they are concerned for their own safety and the safety of their children.

To say that we did not address seniors or families is erroneous. Every single piece of our Throne Speech encompasses families, seniors and Canadians where they live and work.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Lowell Murray: Honourable senators, the Deputy Leader of the Opposition, who had taken the adjournment yesterday, indicated she would not be intervening at this point. I appreciate her courtesy in so advising me, thus leaving the way open for me to make my brief contribution to the debate. It will also be a positive one, so that Senator St. Germain will not be too disappointed when he has heard me out, as I hope he will, without interruption.

I begin in the time honoured way by congratulating the mover and seconder of the Address in reply to the Speech from the Throne, both on having been selected for this honour and on the quite different and interesting speeches with which they left us.

Life is full of surprises. Those of us who expected Senator Brown to be provocative and partisan found him to be conciliatory. Those who expected Senator Comeau to be conciliatory found him provocative and partisan.

[Translation]

That being said, Senator Comeau was quite right to remind us of the Liberal's about-turns on the goods and services tax and the free trade agreement between Canada and the United States and on many other issues.

[English]

However that may be, I congratulate both of them and thank them for leading us off to such a stimulating start.

There are always criticisms of Throne Speeches. I am somewhat sensitive to these criticisms because I have had some experience in the drafting process. I have, as the saying goes, held the pen on Throne Speeches in the province of New Brunswick during the Hatfield government and from time to time here in Ottawa. I assure honourable senators that I have written worse Throne Speeches than the one we heard on Tuesday night.

The question that is always before ministers and their political and public service advisers in the run up to the drafting process is "will this Throne Speech be thematic, perhaps with an overarching vision of the country, or is it going to be a Christmas tree on which the baubles of every minister, department, agency and interest are hanging from the branches?" Invariably, we would pledge to each other that this time it would be a thematic Speech from the Throne and almost as often it turned out to be a Christmas tree.

The reason was simple; everyone wants his or her priority mentioned in the Throne Speech. I recall an occasion when some of us brought a draft before a group of ministers, and one minister asked why there was nothing about housing in the speech. The answer was that we had nothing new to announce about housing that year; however, that answer was not good enough. We were sent back to the drawing board to produce a plausible paragraph about housing, which I am sure we did.

In the 1970s in New Brunswick — and Senator Bryden and I were reminiscing about this the other night — we had a Speech from the Throne in which the Lieutenant-Governor solemnly intoned that thenceforth motorists in New Brunswick would be able to make a right turn on a red light. Honourable senators may laugh, but that announcement in the Throne Speech was probably of more interest to more New Brunswickers than almost anything else in it.

To the credit of the government, Tuesday's Throne Speech was rather more thematic than Christmas tree. Indeed, because it was relatively noncontroversial and short on detail, it was a gift to the Liberal Party. Mr. Ignatieff was quite right to say, as he did on television on Tuesday night — and the editorial writers of *The Globe and Mail* were quite right to indicate on Wednesday morning — that it would be almost ludicrous to bring down a government and force an election on the basis of this speech.

Opposition spokesmen and their advisers usually go over Throne Speeches with a fine-tooth comb in search of glaring omissions. In the 1960s, the Pearson government once brought in a Throne Speech in which, as Mr. Diefenbaker discovered, the word "agriculture" was not even mentioned. Needless to say, this provided fodder for many speeches by Mr. Diefenbaker across Western Canada in the months that followed.

• (1510)

The first Throne Speech of the Trudeau government in 1968 contained nary a mention of Her Majesty the Queen. Needless to say, Mr. Diefenbaker went ballistic on that one.

In Nova Scotia, in 1970, I found myself helping out the Tory caucus, which had just been returned to opposition after 14 years in government. We discovered, in the month of January in Halifax, that the Throne Speech of the new Liberal government contained not a mention of the word "unemployment." That provided some talking points for the MLAs until something better came along.

This week's speech had two omissions upon which I wish to remark. The first is perhaps a mere formality, but it is a tradition. There is almost always a sentence in the Throne Speech in which the Governor General addresses herself or himself directly to members of the House of Commons and tells them: Members of the House of Commons, you will be asked to approve the expenditures for these various programs. That request was not present in the speech we heard read the other night. I am sure it was an oversight. I am interested because we made the same mistake during the Mulroney government in one of our speeches. I was one of the hands in the drafting. I think it was my fault, and it was brought forcefully to our attention by people such as Senator MacEachen and Senator John Stewart, who tend to be sticklers on this sort of thing.

A more noteworthy and, for a while, more worrisome omission was the lack of any mention at all in the Throne Speech of the October 10 agreement on equalization and the offshore resources between Nova Scotia and the federal government. I am sure that this side deal — which is what it was — will require legislation, and I think that has been confirmed for us by the Minister of Finance, if not in the House of Commons then in a media scrum yesterday. Indeed, he had indicated to us that this might happen, that any agreement reached would be included in another budget implementation bill, which is due this fall. Mr. Flaherty did so when he appeared before the Standing Senate Committee on National Finance in June.

Let me see if I can summarize this situation. We all want to wait until we see the legislation, which I trust is coming. Budget 2007 violated the Atlantic accords. That is still the case and it has not been changed with the agreement between the Nova Scotia and federal governments. As I understand the intent of the October 10 agreement, Nova Scotia will have to opt in to the new equalization formula. Senator LeBreton, the Leader of the Government, alluded to this yesterday. In the new agreement, Ottawa will pay them anything that they would otherwise lose by moving out of the 2005 accord and into the 2007 formula.

I fervently hope that this deal holds until 2019-20 because Nova Scotia loses money under the new arrangement, compared to the 2005 accord, until 2015-16, at which point they start to catch up. According to the documents released by the Nova Scotia Department of Finance, by 2011-12, under this side deal, Nova Scotia will be behind the 2005 accord by \$306.3 million cumulatively; by 2019-20, cumulatively, Nova Scotia will be ahead by \$229 million if the deal holds.

It is astonishing to me that there is no signed agreement. This matter has been raised here and in the other place in the last day or so. Also, there is not a word about this agreement to be

found — at least as of last night, when I looked — on the website of the federal Department of Finance. All we have is a press release.

Honourable senators, we should bear in mind, and so should the Nova Scotia government, that equalization formulas are legislated for five years. We passed the 2007 equalization formula when we passed Bill C-52. I regret that some of my friends lost their nerve on that matter and did not amend Bill C-52 as we should have done. However, let me say that the formula we passed when we passed Bill C-52 ends at the close of the 2013-14 fiscal year; that is, on March 31, 2014. Nova Scotia is supposed to start catching up in 2015-16, two fiscal years later. When the time comes to change the equalization formula — or indeed at any time, as this government is not much of a respecter of legislation, as they proved with the Atlantic accords — it could be changed to Nova Scotia's disadvantage.

I will leave it at that for the moment, because we will see the legislation and hope that perhaps there are guarantees in it that will enable everyone, especially Nova Scotia and the federal government, to be entirely satisfied with the arrangement, the communiqué or the agreement — whatever it was — that the Prime Minister and Premier MacDonald came to on October 10.

There are two other references in the Throne Speech to which I should like to make passing mention, both of which would perhaps require legislation. One case for sure will require legislation.

The first is the spending power. Honourable senators know, if anyone cares, that during the first session of this Parliament I expressed considerable disagreement with the government on child care, on the Atlantic accords, and on the move to per capita transfers for the Canada Social Transfer and the Canada Health Transfer, which will have to be revisited anyway because it is a disaster waiting to happen. However, as I said in the debate of April 2006, I strongly support the more open, collegial and consultative regime of federal-provincial relations outlined by Mr. Harper in his Quebec City speech in December of 2005 and in Montreal early in 2006, not long after he became Prime Minister. I was encouraged to see in the Speech from the Throne an announcement of legislation to bring in “formal limits” on the use of the federal spending power for new shared-cost programs in areas of exclusive provincial jurisdiction.

The Throne Speech goes on to say that the formula would allow provinces to opt out with reasonable compensation to provinces and territories if they offer compatible programs.

Mr. Flaherty's budget plan 2007 mentioned that in order to launch a new national shared-cost program in an area of exclusive provincial jurisdiction — and we have to be clear about those words and what they apply to — before the federal government could do that, a majority of provinces would have to sign on. This is very similar, if not identical, to the provisions of the Social Union Framework Agreement, SUFA, negotiated by Prime Minister Chrétien with nine of the provinces.

Indeed, last April, at the Standing Senate Committee on National Finance, when I read the provision in the budget document to Barbara Anderson, who is the senior Department of

Finance official in the field of federal-provincial fiscal relations, and asked her what was the difference between SUFA and the Flaherty budget document on this matter, she said they are “basically the same.” The difference is that while the Social Union Framework Agreement is an executive agreement among governments, the Harper formula would be legislated. I hope the legislation goes somewhat beyond the SUFA. I hope they beef it up. There is provision in the SUFA to apply to existing programs. That might be beefed up.

• (1520)

There is also provision in the SUFA for advance notice when the federal government would use the federal spending power for direct spending to individuals and institutions in areas of exclusive provincial jurisdictions.

I think my time has expired, Mr. Speaker.

The Hon. the Speaker: Is Senator Murray asking for an extension of his time?

Hon. Senators: Agreed.

The Hon. the Speaker: I heard someone say five minutes.

Senator Murray: I think I can wind up fairly quickly. I thank honourable senators for their courtesy.

There is a provision in the Chrétien agreement for advance notice when the federal government plans to use the spending power for direct spending to individuals and institutions in areas of exclusive provincial jurisdiction. I hope that the present government will think of beefing that up somewhat to provide not only for advance notice but for some meaningful consultation when the federal government is about to spend money and transfer money to individuals or institutions in areas such as education that are exclusively provincial.

Everything I say on this subject is subject to revision when we see the legislation, but I say that what is proposed is entirely consistent with the Social Union Framework Agreement, with the Charlottetown Accord, with Meech Lake and with various federal proposals on the federal spending power going back to the late 1960s. In that connection, some of the comments by columnists, and particularly the op-ed piece by the Honourable Bob Rae a few weeks ago, were premature at best and alarmist at worst.

The Speech from the Throne also refers to the possible use of the federal trade and commerce power in the context of interprovincial trade barriers. I know some scholars believe that Ottawa has the power to bring the hammer down on the provinces successfully if it wished. The subject is, as I think everyone knows, fraught with complexity — legal, political, constitutional, economic and even international. When the Governor General read that paragraph, I studied attentively the faces of the members of the Supreme Court of Canada who were seated here in front of me to see if there was any reaction, since it is they who will have to adjudicate any challenge to a federal initiative in this field, but, as usual, their faces were inscrutable.

This issue is extremely important, and I wonder if there is not a role for the Senate. Either the Banking Committee or the National Finance Committee could take on this subject of

the federal commerce power, and could look at how it might be used in the way that the Speech from the Throne indicated. The committee could receive briefings from federal officials and could hear from former officials, scholars, jurists and private sector people who are interested and knowledgeable. Then perhaps the committee could put draft options on the table and only then call in the province for their reaction. The goal would be to move towards a wider consensus on this matter, which is obviously what the government needs, given the cautious way they drafted that particular section, and what the country will probably need on this important matter.

Hon. Pierrette Ringuette: Honourable senators, I wonder if my honourable colleague would take a question?

Senator Murray: Yes, of course.

Senator Ringuette: As usual, I welcome the senator's comments and his wise words based on his experience. I agree with his comments at the beginning of his speech in regard to the Atlantic accord and a press-release side deal between the current federal government and the Province of Nova Scotia. Not too many months ago, in this place, we heard from the Leader of the Government here that press releases are not agreements. I think all of us recall that comment. We witnessed also that a letter from a party leader to a provincial government leader is also not an agreement. Therefore, I welcome the honourable senator alerting all of us here to the fact that we are looking at a press release. There is no signed agreement. We know how a press release is interpreted by the people opposite.

Senator Murray: Honourable senators, I do not recall the Leader of the Government making the statement that press releases are not agreements but, if she did, as usual, I am in hearty accord with her. My concern had been a hint first that there is nothing on the website of the Department of Finance and there is no signed agreement. Then I had a hint — perhaps I misunderstood — that there would not be legislation on the matter. I saw a report this morning to the effect that Mr. Flaherty had said there will be legislation, so I am reassured on that point. As I indicated, I think I can wait until I see the legislation before pronouncing further on a side deal.

Hon. Serge Joyal: Honourable senators, I have a question. I wonder if the honourable senator would ask for extension of time for a question.

The Hon. the Speaker: Leave is required, and it is indicated leave would not be granted.

On motion of Senator Tardif, debate adjourned.

BUSINESS OF THE SENATE

MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS ADOPTED

Hon. David Tkachuk (Acting Deputy Leader of the Government), pursuant to notice of October 17, 2007, moved:

That, for the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);

- (b) when the Senate sits on a Wednesday, it stand adjourned at 4 p.m., unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned; and

- (c) where a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, immediately prior to any adjournment but no later than 4 p.m., to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

Motion agreed to.

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING—DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of October 17, 2007, moved:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, pursuant to rule 85(1)(b), the committee be comprised seven members, to be nominated by the Committee of Selection and that three members constitute a quorum;

That the Committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2008, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

She said: Honourable senators, this particular motion will put back into effect the Special Committee on Aging that began last November and filed an interim report in March. Because of

prorogation, we will not be able to finish as early as we hoped. This motion does take the time to June of 2008.

On motion of Senator Tkachuk, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 23, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 23, 2007, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(2nd Session, 39th Parliament)

Thursday, October 18, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within then years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17							
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

CONTENTS

Thursday, October 18, 2007

	PAGE		PAGE
SENATORS' STATEMENTS		QUESTION PERIOD	
Aung San Suu Kyi		Status of Women	
Hon. Céline Hervieux-Payette	28	Funding of Women's Issues.	
The Late Honourable Maurice Riel, P.C., Q.C.		Hon. Céline Hervieux-Payette	32
Hon. W. David Angus	28	Hon. Marjory LeBreton	32
Governor General's Awards in Commemoration of the Persons Case		Justice	
Congratulations to the 2007 Recipients.		Appointment of Lawrence O'Neil to Supreme Court of Nova Scotia.	
Hon. Lucie Pépin	29	Hon. Grant Mitchell	33
Persons Day		Hon. Marjory LeBreton	33
Hon. Nancy Ruth	29	The Senate	
Prince Edward Island		Proposed Consultations on Selection of Senators.	
College of Piping and Celtic Performance Arts of Canada.		Hon. Joan Fraser	33
Hon. Catherine S. Callbeck	30	Hon. Marjory LeBreton	34
The Honourable Bert Brown		Hon. Bill Rompkey	34
Welcome to the Senate.		Public Safety	
Hon. Gerry St. Germain	30	Enforcement of Regulations Regarding Food Imports.	
Hon. Joyce Fairbairn	30	Hon. Lorna Milne	35
Visitors in the Gallery		Hon. Marjory LeBreton	35
The Hon. the Speaker	31	Speech from the Throne	
		Measures Regarding Seniors.	
		Hon. Marilyn Trenholme Counsell	36
		Hon. Marjory LeBreton	36
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
2006-07 Public Accounts of Canada		Speech from the Throne	
Tabled.		Motion for Address in Reply—Debate Continued.	
Hon. David Tkachuk	31	Hon. Lowell Murray	36
Canada-United States Tax Convention Act, 1984 (Bill S-2)		Hon. Pierrette Ringuette	39
Bill to Amend—First Reading.		Hon. Serge Joyal	39
Hon. David Tkachuk	31	Business of the Senate	
Parliamentary Employment and Staff Relations Act (Bill S-212)		Motion to Change Commencement Time on Wednesdays	
Bill to Amend—First Reading.		and Thursdays and to Effect Wednesday Adjournments Adopted.	
Hon. Serge Joyal	31	Hon. David Tkachuk	
The Senate			
Notice of Motion Urging Governor General to Fill Vacancies.			
Hon. Wilfred P. Moore	31	The Senate	
Kyoto Protocol		Motion to Strike Special Committee on Aging—Debate Adjourned.	
Objectives and Economic Implications—Notice of Inquiry.		Hon. Sharon Carstairs	
Hon. Grant Mitchell	32		
Canada Pension Plan		Adjournment	
Seniors' Benefits—Notice of Inquiry.		Hon. David Tkachuk	
Hon. Catherine S. Callbeck	32		
		Progress of Legislation	
		i	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5

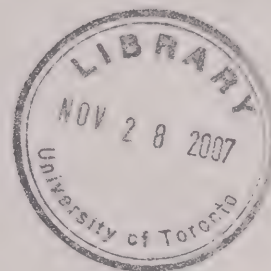


CA1
Y1
D32

Government
Publications



CANADA



Debates of the Senate

2nd SESSION

• 39th PARLIAMENT

• VOLUME 144

• NUMBER 4

OFFICIAL REPORT
(HANSARD)

Tuesday, October 23, 2007

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, October 23, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CONFERENCE ON DIVERSITY THROUGH EQUALITY IN PUBLIC ADMINISTRATIONS IN EUROPE

Hon. Donald H. Oliver: Honourable senators, issues of religious intolerance have emerged in surprising places like Switzerland and Denmark with political posters and cartoons. I was honoured, therefore, to be invited back to Denmark last week to be the keynote speaker at the European Conference on Diversity through Equality in Public Administration in Europe, which took place from October 17 to October 19 in Copenhagen.

The State Employer's Authority in Denmark hosted the conference in partnership with the joint European Public Administration Network and trade union delegations. The conference had a twofold agenda: strategic discussions for future challenges in diversity and equality in Europe, and exchanging experiences to develop better methods for designing public policies on diversity.

In attendance at the Copenhagen conference were some 300 delegates, representing 25 countries in Europe. I was honoured to explain how many of Canada's successful diversity policies may serve them as a model and guide in developing their own diversity programs.

I was struck by the differences and similarities in the debates and views on diversity and integration that are occurring on both sides of the Atlantic. I told them as a non-European observer, their debates left an impression that diversity and immigration are still largely viewed by Europeans — and especially those in homogenous societies — as a threat or a problem, rather than an economic solution or a plus for society.

I proudly explained how Canada now welcomes more than 250,000 immigrants a year, which is more than any other developed nation. I then outlined four factors that were essential to Canada's successful diversity model.

First, Canada's multiculturalism policy, adopted in the 1970s, helped to assist different ethnic groups in our society.

Second, the policies and legislation that gave more emphasis to promoting citizenship and that supported individual and human rights. These are contained in three important statutes, the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and the Employment Equity Act.

Third, education promotes the concept of zero tolerance for racial discrimination, and that teaches respect for the individual, diversity and for minority rights. Many schools have incorporated lessons of cultural tolerance into their curriculum. Pat Clark, who heads up the social justice program for the B.C. Teachers Federation, said:

What we try to teach is what kids have in common rather than the differences between them, to respect differences and to find similarities.

Finally, honourable senators, I said effective political leadership is needed to make integration and respect for minority and individual rights a priority. Canada's success or failure in fully integrating young immigrants into our society today will be a harbinger of Canada's tomorrow. The Canadian values study, conducted in 2005 by the Dominion Institute, determined:

... multiculturalism has gone from a state policy to a *bona fide*, embraced Canadian value.

Canada's ethnic diversity was cited more than any other factor as the characteristic that makes Canadians unique. Canadian values can only be truly effective if they are embraced by our leaders.

Canada's new government embraces these views. Consider, for example, what Prime Minister Stephen Harper said during a speech to the United Nations' urban forum in Vancouver in June 2006:

Canada's diversity, properly nurtured, is our greatest strength.

[Translation]

MANITOBA

FRANCOPHONE ECONOMIC DEVELOPMENT

Hon. Maria Chaput: Honourable senators, today I would like to highlight a great example of collaboration between the Government of Manitoba and the Government of Canada on francophone economic development. The investment, announced on September 7, 2007, will fund projects for three Manitoba organizations: CDEM, the Economic Development Council for Manitoba Bilingual Municipalities, Entreprises Riel and ANIM, the new Agence nationale et internationale du Manitoba.

ANIM's goal is to use French to open the doors to trade relationships in domestic and foreign markets. It aims to develop business ties with France, Belgium and Tunisia. It also plans on pursuing trade relationships with the province of Quebec, something which up until now, had never officially been done. The organization has a three-part mandate to put francophone Manitoba on the map, initiate trade and encourage business immigration.

I would like to wish CDEM, Entreprises Riel and ANIM success with the many innovative projects they are undertaking. It is very important to ensure that these projects receive long-term funding so that they can carry on their work.

These organizations enable francophones in Manitoba to create their own French space and to make francophone communities in Manitoba known throughout Canada and the world.

• (1410)

[English]

THE LATE LUCIANO PAVAROTTI

Hon. Elizabeth Hubley: Honourable senators, on September 6 the world lost one of its most beloved and celebrated tenors with the death of Luciano Pavarotti at the age of 71. Pavarotti, who brought opera to the people, was born in Modena, Italy, in 1935, the son of a baker and a cigar factory worker. As a child, he listened to opera recordings, singing along with tenor stars of a previous era. His first professional breakthrough as a tenor came in 1961, and his international career began in 1963. In a career spanning almost 50 years, he was known for his signature white handkerchief and beautiful male operatic voice. Known in his heyday as the "King of the High Cs," Pavarotti also performed with pop superstars such as Sting, Michael Jackson, Bono, Elton John and Canada's own Bryan Adams and Celine Dion. As a member of the Three Tenors with Plácido Domingo and José Carreras, Pavarotti won the hearts of millions with his charismatic charm. Their album, *The 3 Tenors in Concert*, is the best-selling classical album of all time. He married twice and has four daughters. As one of the few opera singers to win crossover fame as a popular superstar, Pavarotti will be missed the world over.

THE RIGHT HONOURABLE LESTER B. PEARSON

FIFTIETH ANNIVERSARY OF WINNING NOBEL PRIZE

Hon. Percy Downe: Honourable senators, 50 years ago, in October 1957, one of the greatest Canadians, Lester B. Pearson, was awarded the Nobel Peace Prize. Mr. Pearson, who had an outstanding career in foreign affairs prior to winning the Nobel Prize, is remembered with great affection by Canadians today for his work in creating peacekeeping units to protect unstable areas in the world.

On October 12, 1957, the CBC reported that a telegram was sent from Norway to inform Mr. Pearson that he had won the Nobel Prize. It was delivered to the wrong house. Hours later, a reporter called Mr. Pearson to interview him on winning this award and that was the first time Mr. Pearson heard that he had won the Nobel Prize. Indeed, 50 years ago, communications were much slower and Mr. Pearson was unaware that he had even been nominated. He was quoted in the media as being "thunderstruck and overwhelmed."

Mr. Pearson was the former President of the United Nations General Assembly and former Secretary of State for External Affairs of Canada. As all honourable senators are aware, his Nobel Prize was awarded for his outstanding work resolving the Suez Canal crisis in 1956. To reduce the increasing violence between Israel, France and the United Kingdom against Egypt, Mr. Pearson proposed that a UN emergency force be founded to act as a buffer between the two sides.

The Right Honourable Lester B. Pearson is remembered today by Canadians not only for his noble prize, but also as one of the best prime ministers in the history of Canada. His name lives on

at our largest airport, at the national headquarters of the Department of Foreign Affairs, and at various schools, in permanent recognition of his service to Canada and to the world. Well done, Mr. Pearson. Well done.

PINK SHIRTS FOR PEACEFUL SCHOOLS

Hon. Jane Cordy: Honourable senators, I wish to recognize two exceptional young men from the Annapolis Valley, Nova Scotia. Travis Price and David Shepherd are grade 12 students at Central Kings Rural High School in Cambridge, Nova Scotia, who witnessed a grade 9 student being threatened and bullied for wearing a pink shirt on his first day of school.

Honourable senators, these young men were sick and tired of these all-too-common displays of intimidation in their school and decided to take action. David and Travis did not confront the bully directly but, rather, decided to include the entire student body to support each other and, ultimately, to create an atmosphere in the school where bullies would not feel comfortable or welcome. They did not want this aggressive and intimidating behaviour to be tolerated any longer.

Their plan was inspired and simple. They hoped to have as many students at Central Kings Rural High School as possible wear pink shirts in a show of solidarity against bullying in their school. They went out and collected as many pink T-shirts and tank tops as they could find and brought them to school the next day. Within minutes they ran out of the 100 or so shirts that they were able to collect. The support from students and staff was overwhelming.

The Pink Shirts for Peaceful Schools movement caught on like wildfire, and local stores and shops in the area ran out of pink tank tops and T-shirts. Calls started coming in from other schools in the province, across the country, the United States and all over the globe expressing interest in taking part in the pink movement within their own schools.

• (1415)

The movement has also spread outside of schools and into communities. Even Nova Scotia's premier showed his support by wearing a pink tie and using a pink pen when declaring the second Thursday of the school year as Stand Up Against Bullying Day.

I wish to express my congratulations to the students of Central Kings Rural High School for their show of support for their fellow classmates, and especially to David and Travis for making such a big difference with their act of courage. Their actions have been an inspiration to many.

INVITATION TO DEBATE

Hon. Bert Brown: Honourable senators, I should like to thank those of you who have extended good wishes to me. I have received some very flattering notes, even from some members across the aisle. I am learning as I go, having been here for only one week.

Senator Prud'homme said that he had debated my philosophy with me in the past and should like the opportunity to do so again. In the Parliamentary Restaurant last week, I spoke to Senator Adams as he sat in an alcove. He said that there is an alcove in the dining room reserved for senators of my persuasion and another reserved for senators of the Liberal persuasion. I should like to sit in that alcove when I can, and I invite members of this chamber to debate me there, as Senator Prud'homme wishes to do.

[Translation]

CHILDREN IN WAR

Hon. Roméo Antonius Dallaire: Honourable senators, I was in Washington last week to take part in a conference on children affected by wars and children who are caught in the crossfire of drug wars.

[English]

For me, a high point of the conference was the presence of a number of members of Congress and democratic candidates, as well as the Speaker of the House of Representatives, who spoke forcefully on the need to eradicate the use of children in war.

Honourable senators, another high point was the presence of Goldie Hawn — who gave me a kiss following my speech. I raise this point because the entertainment world is becoming more and more involved in humanitarian and international affairs, and should be encouraged to pursue such activities aggressively. I am not sure we would want all celebrities to become involved in these affairs, but a majority of them could participate in encouraging the youth of our nations to participate in such actions.

The subject of nuclear disarmament was raised at the conference. It is interesting that youth are now particularly interested in the existence of the 27,000 nuclear weapons that can destroy the whole of humanity.

Honourable senators, I invite you to join with Senator Roche in Room 216N this afternoon as he launches his most recent book on nuclear disarmament.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of the Honourable Mustapha Mechahouri, royal emissary to the Prime Minister of Canada. He is accompanied by His Excellency, Mr. Mohamed Tangi, Ambassador of the Kingdom of Morocco to Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

• (1420)

[English]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Committee of Selection, presented the following report:

Tuesday, October 23, 2007

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to Rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Losier-Cool as Speaker *pro tempore*.

Respectfully submitted,

HUGH SEGAL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Committee of Selection, presented the following report:

Tuesday, October 23, 2007

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Campbell, Carney, P.C., Dallaire, Dyck, Gill, Gustafson, Hubley, Lovelace-Nicholas, Peterson, Segal, Sibbeston and St. Germain, P.C.

STANDING SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Bacon, Baker, P.C., Callbeck, Carney, P.C., Cowan, Fairbairn, P.C., Gustafson, Mahovich, Mercer, Peterson, Segal and St. Germain, P.C.

STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Cowan, Eyton, Fitzpatrick, Goldstein, Grafstein, Harb, Massicotte, Meighen, Ringuette and Tkachuk

STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Adams, Banks, Brown, Campbell, Cochrane, Kenny, Milne, Mitchell, Nolin, Sibbeston, Spivak and Trenholme Counsell

STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

The Honourable Senators Adams, Campbell, Cochrane, Comeau, Cowan, Gill, Hubley, Johnson, Meighen, Robichaud, P.C., Rompkey, P.C. and Watt

STANDING SENATE COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE

The Honourable Senators Corbin, Dawson, De Bané, P.C., Di Nino, Downe, Jaffer, Johnson, Mahovlich, Nolin, Rivest, Smith, P.C. and Stollery

STANDING SENATE COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Andreychuk, Dallaire, Jaffer, Kinsella, Lovelace-Nicholas, Munson, Oliver, Pépin and Poy

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Comeau, Cook, Cowan, Downe, Furey, Goldstein, Jaffer, Kinsella, Massicotte, Nancy Ruth, Phalen, Prud'homme, P.C., Robichaud, P.C., Stollery and Stratton

STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Baker, P.C., Bryden, Carstairs, P.C., Di Nino, Fraser, Furey, Joyal, P.C., Milne, Oliver, Stratton and Watt

STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Lapointe, Murray, P.C., Oliver, Rompkey, P.C. and Trenholme Counsell

STANDING SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Biron, Cowan, Day, De Bané, P.C., Di Nino, Eggleton, P.C., Mitchell, Moore, Murray, P.C., Nancy Ruth, Ringuette and Stratton

STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Day, Kenny, Meighen, Moore, Nancy Ruth, Tkachuk and Zimmer

STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Champagne, P.C., Chaput, Comeau, De Bané, P.C., Goldstein, Harb, Losier-Cool, Murray, P.C. and Tardif

STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Angus, Brown, Champagne, P.C., Corbin, Cordy, Fraser, Furey, Grafstein, Joyal, P.C., Keon, Losier-Cool, McCoy, Robichaud, P.C. and Smith, P.C.

STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Biron, Bryden, Cook, Eyton, Harb, Moore, Nolin and St. Germain, P.C.

STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Brown, Callbeck, Champagne, P.C., Cochrane, Cook, Cordy, Eggleton, P.C., Fairbairn, P.C., Keon, Munson, Pépin and Trenholme Counsell

STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Bacon, Dawson, Eyton, Fox, P.C., Johnson, Mercer, Merchant, Oliver, Phalen, Tkachuk and Zimmer

Pursuant to Rule 87, the Honourable Senator LeBreton, P.C. (or Comeau) and the Honourable Senator Hervieux-Payette, P.C. (or Tardif) are members ex officio of each select committee.

Respectfully submitted,

HUGH SEGAL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is denied.

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-3, to amend the Criminal Code (investigative hearing and recognizance with conditions).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1425)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jean Lapointe presented Bill S-213, to amend the Criminal Code (lottery schemes).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lapointe, bill placed on the Orders of the Day for second reading two days hence.

[English]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)

AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House, since the constitutional agreement establishing its existence

AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum

THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

NOTICE OF MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS

Hon. Mira Spivak: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of Canada to update the 1989 Phosphorus Concentration Regulations to prevent the growth of toxic algae in Canada's lakes, rivers and streams.

[Translation]

QUESTION PERIOD

STATUS OF WOMEN

COMMENTS BY MINISTER— FUTURE OF WOMEN'S PROGRAMS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I have read the comments of the Minister Responsible for the Status of Women, the Honourable Josée Verner. I was surprised, as was Ms. Michèle Asselin, president of the Fédération des femmes du Québec, that the minister referred to the comments on the Throne Speech by women's groups in Canada — who were very disappointed — and made thinly veiled threats that she would cut funding to these Canadian women's organizations.

My question for the Leader of the Government is as follows: Will the minister inform her colleague that the work of these Quebec women's groups is important, that they need support and that, in a democratic society, they have the right to express their opinion on any subject being discussed in Parliament?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I am not aware of the statement of Minister Verner to which she refers. As I have said many times in this place, the government believes in the full participation of women in Canadian society, and we will continue to support women through programs that are managed effectively.

Budget 2007 provided the new, refocused Women's Programs at Status of Women Canada with an annual budget of \$15.3 million, which is the highest budget in the history of Status of Women Canada. Obviously, all Canadians, whether they are women or men, are totally free to speak their minds on any subject. That is the nature of being Canadian.

• (1430)

[Translation]

JUSTICE

REINSTATEMENT OF COURT CHALLENGES PROGRAM

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In light of polls that indicate weak support among women for the Conservative option, will the minister do as I suggested last week and ask for more money for various programs, such as the literacy program?

Also, will the minister speak up for the Court Challenges Program? Apparently, this program was eliminated because some of the provinces had concerns about it.

Will the Leader of the Government ensure that her colleague in cabinet, Ms. Josée Verner, understands how critical these programs are for women who want to exercise their rights? The right to equality is assured only when we can be certain that this right is respected, even if one must sometimes go to court. These programs are vital to ensuring equality for women in this country.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will make her views known to my colleague, Minister Verner. In her question, the honourable senator made reference to a belief that the polls show that women do not support this government. I would argue to the contrary. Among women I have met, particularly senior women, many issues this government is pursuing are of great interest. At the top of the list, if people were to talk to their constituents, women are concerned about the whole issue of crime, youth crime, drugs and gangs. They are also concerned about their own safety and that of their families.

The blanket statement that women do not support this government is not borne out in the polls. It is the view of a few, particularly Susan Delacourt of the *Toronto Star*, who has her favourite pollsters she likes to talk to that further her interests in this area. Many people will refute that view.

As a woman, as a member of Mr. Harper's cabinet and as a member of this side of the house, I do not and would not condone any belief that those of us that happen to be women on this side are less interested than any other woman in Parliament in issues of concern to women.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, in the Speech from the Throne, the government stated:

Our Government supports Canada's linguistic duality. It will renew its commitment to official languages in Canada by developing a strategy for the next phase of the Action Plan for Official Languages.

However, some things were conspicuously absent from the speech, such as reinstating the Court Challenges Program, which is an important tool and essential to the evolution of the rights of

official language minority communities. Can the minister tell us why the federal government ignored the Commissioner of Official Languages' recommendations and failed to take this opportunity to reinstate the Court Challenges Program?

[English]

Senator LeBreton: I thank the honourable senator for the question. I have answered this question in the previous session of Parliament. We, as a government, take this issue seriously. Our government is deeply committed to Canada's two official languages. We have announced \$110 million in funding related to the four hundredth anniversary of Quebec City this coming year. We look forward to next year's twelfth Francophonie summit, which, if my memory serves me correctly, was started under a Conservative government. As I have said before, during our first 100 days in office we concluded multi-year educational agreements with provinces and territories worth in excess of \$1 billion, as well as enhanced agreements on service delivery with 12 of the 13 provinces and territories.

• (1435)

Budget 2007 invested \$30 million for official language minority communities, for community centres and cultural and after-school activities. This is on top of the \$642 million over five years provided in the Action Plan for Official Languages.

With regard to specific programs, as I have said before, our government has embarked on new programs and we have made a decision as a government to pursue these programs. In no way does this diminish programs of previous governments, but we have new programs in this area that I believe are working extremely well.

[Translation]

Senator Tardif: With all due respect, I have to say that the minister did not really answer the question.

I had the opportunity to attend a conference in Yellowknife this past weekend. The people from the Association franco-ténoise told me that because the program no longer exists, they will have to mortgage their homes to raise the money they need to go to court in order to defend their rights.

Does the minister believe that it is an acceptable situation in our country when people cannot defend their rights?

[English]

Senator LeBreton: I am not familiar with the exact cases to which the honourable senator refers; however, since Senator Tardif mentions the North, in September, Minister Verner signed an agreement with the Yukon government to support French-language services and announced funding for the Federation of Francophonie and Acadian Communities. On October 5, Minister Clement announced \$4.5 million for access to health care services for official languages minority communities. These are examples of measures this government is taking to support our minority languages.

THE HONOURABLE ANNE C. COOLS

POLITICAL AFFILIATION

Hon. Tommy Banks: My question, which is somewhat extemporaneous, is to the Leader of the Government in the Senate. Earlier today, I went over to greet and welcome back Senator Cools, who I thought was seated temporarily at a desk, but I found that her name is printed there. Can the leader please tell honourable senators whether Senator Cools is now a member of the Conservative caucus?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question, but as honourable senators know I answer questions in this place on behalf of the government and Senator Bank's question is not one that I am in any position to answer on behalf of the government.

Senator Banks: Honourable senators, I do not quite understand; therefore, I shall try to reword my question. The minister, as I understand it, is the Leader of the Conservative Party in the Senate. I believe that members of this house are interested, and I would have thought entitled, to know the political affiliation of members of this place. Do I understand from the leader's answer that that is not so?

Senator LeBreton: Honourable senators, I cannot answer Senator Bank's question. I am not responsible for the designation of senators in this place. I believe, in the case of Senator Cools, the matter was already dealt with by our caucus chair, Senator Tkachuk. With regard to the political affiliation of Senator Cools, perhaps the question would be better addressed to her.

FINANCE

ATLANTIC ACCORD— OFFSHORE OIL AND GAS REVENUES

Hon. James S. Cowan: Last week, I asked the Leader of the Government in the Senate when the government would be tabling the legislation necessary to implement the arrangements that had been concluded between the Government of Canada and the Government of Nova Scotia. Her response was that I was mistaken and that there is no legislation to be tabled. I indicated in the preamble to my question that I had been advised by officials of the Government of Nova Scotia that they were expecting such legislation.

The next day, Premier MacDonald of Nova Scotia, in response to questions in Nova Scotia, is reported as having said that he insisted the agreement is solid and that he is satisfied the federal government will follow through with its promise by introducing legislation to implement the changes.

• (1440)

Would the Leader of the Government in the Senate take my question as notice to confirm the accuracy or inaccuracy of the information provided to the Senate last week?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I have never seen a group of people accept good

news with such difficulty. As I have said before, the Premier of Nova Scotia and the Prime Minister announced an agreement resolving Nova Scotia's concerns related to the interpretation of the Atlantic accord.

On October 10, Minister Flaherty exchanged formal letters with the Finance Minister of Nova Scotia, Michael Baker, which outlined the details regarding the recent agreement with the province. As I stated last week, Nova Scotia and Newfoundland and Labrador, if they so choose, will be able to opt into either the 2005 equalization formula or the new equalization formula. They may not combine or stack the benefits of the two formulas.

The Atlantic accord benefits will be protected no matter which equalization formula they choose. This resolution means both governments can now focus on issues of common interest. Premier MacDonald said last week: "We have the agreements in place and we're moving forward with that."

I also note that former Premier John Hamm expressed support for the agreement. Minister Flaherty and Minister MacKay confirmed last week that work is underway on technical amendments. I do not know and therefore cannot speculate on the timetable.

Senator Cowan: Last week, in response to my question, the Leader of the Government in the Senate said specifically that there will be no legislation. I made no comment either last week or this week about the merits or otherwise of the arrangements that have been concluded. I was simply asking whether there would be legislation introduced into the Parliament of Canada to implement the arrangements concluded. The leader said last week there would be no legislation. I must have misunderstood. That is contrary to what the premier has said. Is the position of the government that there will be no legislation or there may be some technical amendments; which is it?

Senator LeBreton: I think I said there were no side deals.

An Hon. Senator: Those are your words.

Senator LeBreton: Since there seems to be confusion —

An Hon. Senator: Not unusual at all.

Senator LeBreton: — on the definition of technical amendments or the specific belief that the honourable senator has, I will take the question as notice.

Senator Cowan: In order to clarify, the words the minister used last week were, "There is no legislation to be tabled." Is that an accurate statement, or is it now being qualified?

Senator LeBreton: I said a moment ago that I will check the record and take the question as notice.

THE ENVIRONMENT

APPROACH TO CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, I am in search of an accurate statement from this government leader. I will begin by saying that this government has not mastered very much, but it has mastered the art of ambiguity and inaction when it comes to

climate change. In the Throne Speech, the government actually said that it supports a global regime with binding emissions reductions targets. Why did the government spend the summer advocating across the world, at the APEC meeting and other fora, for voluntary targets?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will simply say to the honourable senator that our government has taken many steps to improve Canada's environment. I do not have to remind the honourable senator, because other people have, that after many years of inaction we are prepared to take action. In Budget 2007, we invested \$4.5 billion in the environment, including funding for a national water strategy, land conservation, improved environmental protection enforcement, the Eco-Trust and Clean Air Fund, and cleaner transportation.

• (1445)

As a matter of fact, I was interested to read in the newspaper today that Toyota and Pollution Probe have actually commented on the ecoAUTO program, and they say it is working.

The government is making progress and people are generally supportive of the initiatives the Prime Minister took at the G8, at the APEC summit in Sydney, Australia, and also at the United Nations.

Senator Mitchell: Honourable senators, it would be hard to say people were supportive of what the Prime Minister did at the G8 because he did not actually do anything. Voluntary targets are nothing.

Further, why has this government tied its climate-change wagon to that of the current President of the United States — perhaps the least successful President in U.S. history — who is without credibility on Kyoto and any number of other issues throughout the world?

Senator LeBreton: Honourable senators, the fact is the initiatives that this government has taken are just that, initiatives of this government. Senator Mitchell is fixated on the matter of the President of the United States. We have our own environmental programs. The Prime Minister took the lead at the G8, in previous meetings with the European Union, in Australia at the APEC meetings, and he went to New York and spoke specifically of Canada's work in this area. He has also stated the obvious: In order to make serious changes to deal with this issue, we must have the United States and other major polluting countries, like India and China, at the table.

FINANCE

VALUE OF DOLLAR

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. The present strength of the Canadian dollar is something that has probably been unequalled since the 1960s. The strength of our dollar has been well-received on both sides of the border. What is the driving force behind this strong Canadian dollar?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I am actually old enough to remember when the Canadian dollar was well above the U.S. dollar. There are a number of factors behind the resurgence of our currency: Canada is in very good shape; we are holding our place in the world; we are looked up to in the world.

While I am not an economist, and I am certainly not an expert on why all of this is happening, I will agree that the Canadian dollar is appreciating at a very fast level. I am sure it is a situation of which all Canadians can be proud, that we are in a country run by a good government. We have sound financial footing and low unemployment.

Canada is a member of the global economy, and generally there is a positive view in the world marketplace that Canada is an excellent place in which to do business and invest.

A week or so ago, I read that some of the large financial operatives in the world — that were gathered at economic meetings in New York — have also attributed Canada's attractiveness to the greatly diminished threat of separatism in this country.

• (1450)

ELECTIONS CANADA

REQUIREMENT OF ELECTORS TO PRESENT CIVIC ADDRESS

Hon. Lorna Milne: Honourable senators, this spring the Standing Senate Committee on Legal and Constitutional Affairs reviewed Bill C-31, amending the *Canada Elections Act*. Under this bill, electors are now required to present proof of their identity and residential address at the polls to receive a ballot. This amendment came, apparently, from the use of the two legal words, "address" and "residence," in the bill.

Normally, a complete civic address, comprising a street number, street name, town and province, is required to locate a residential address on a voter's list in a polling division. Unfortunately, many electors in northern and rural areas of Canada have either an incomplete or a non-civic address; or if they do have a civic address, it is not found on their identification documents, making it difficult for them to prove their residential address.

I understand that, at the national level, more than 1 million electors have an incomplete or a non-civic address. In some 3,500 polls, more than 30 per cent of the electors do not have a complete civic address. In the currently vacant riding of Desnethé-Missinippe-Churchill River in northern Saskatchewan — in fact, half of Saskatchewan — 71 per cent of the electors have a non-civic address on the voting registry, and the government must soon call a by-election in that riding.

Therefore, I ask the Leader of the Government in the Senate to urge her colleagues in the cabinet — and I am being completely non-political as this matter is of importance to all parties — to solve this problem quickly so rural Canadians have the same right to vote — so that their right to vote is not at risk, as it presently is — in future elections.

If she can report back to the Senate, I would appreciate it. This issue is of grave concern.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Milne for her question. In the Throne Speech, I believe there was reference to going back and further clarifying what is required in terms of providing identification while voting.

I am well aware of the issue raised, in particular, the riding mentioned by the honourable senator, the one in northern Saskatchewan, in the last election. I believe there was a challenge. There was great confusion about the voter turnout and the authenticity of some of the voting results. It is a serious issue, I agree. I will take the honourable senator's question as notice.

[Translation]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Joseph A. Day: Honourable senators, it is a privilege for me today to give the first Liberal response to the Speech from the Throne here in the Senate.

First, I would like to thank Senators Comeau and Brown for moving and seconding the Address in Reply to the Speech from the Throne. Judging by their speeches and the excellent questions raised to date by some of my colleagues, I have no doubt that the coming debate will raise a number of issues concerning the Conservative government's priorities.

Before I talk about the content of the Speech from the Throne, I would like to say how impressed I was by the elegant way Her Excellency read the speech. I have always had sincere admiration for the Governor General, and I am sure that my comments will not be taken as an affront to Her Excellency. I have a problem with the message of the Throne Speech, not the messenger, so to speak.

• (1455)

[English]

Last Tuesday's Throne Speech triumphantly declared four points upon which I would like to comment:

Canadians now have more money in their pockets because taxes have been cut. Families now have real choice in child care through the Universal Child Care Benefit. Canadians now have a government committed to helping them get the medical care they need more quickly . . .

The results are clear: the economy is strong, the government is clean and the country is united.

Honourable senators, these claims are bold indeed. I suspect I am not the only one in this chamber who felt indignation on behalf of Canadians for this assault on our intelligence and collective memory.

Honourable senators, let me begin with the misleading assertion that "Canadians now have more money in their pockets because taxes have been cut." As Liberal Leader Stéphane Dion aptly noted last week, income taxes for the lowest income tax bracket actually increased from 15 per cent to 15.5 per cent. Sure, the Harper government lowered the GST by 1 per cent. Buyers of Porsches and Rolexes saved a bundle of money. However, for the ordinary family buying groceries, paying rent, making mortgage payments and paying tuition or child care fees — items on which no GST is charged — not one cent of taxes was saved with this GST reduction. It was a tax cut for the wealthy. This Harper government has actually increased the income taxes paid by Canada's lowest income earners. A new report by the Organisation for Economic Co-operation and Development, OECD, shows that the effect of tax increases brought upon the Canadian taxpayer by this government has completely negated the 1 per cent reduction in the GST. The overall collective tax burden for Canadians has remained exactly the same. In other words, honourable senators, the taxes saved by those wealthy Canadians who bought Porsches and Rolexes were subsidized by ordinary Canadians, including Canada's lowest income earners, through increased income taxes.

I must question the policy decision to press on with another GST cut, honourable senators. The government's lack of commitment to ordinary Canadians is distressing. Instead of reducing the GST by another 1 per cent, perhaps the Harper government should consider taking the \$5 billion that 1 per cent of the GST represents, and investing it in social programs, in restoring funding to literacy programs and the Court Challenges Program or in creating real choices in child care.

Honourable senators, despite the government's declaration to the contrary in the Speech from the Throne, many Canadian families find themselves today with no real choice in child care. According to the New Brunswick Child Care Coalition,

86 per cent of children in my province cannot access licensed child care. Daycare costs often exceed the cost of housing and continue to remain unaffordable to many families despite the title, Universal Child Care Benefit. New Brunswick is said to have the poorest paid and poorest trained child care workers in the country. Honourable senators, the Harper government's Universal Child Care Benefit program does not provide families with a real choice. Rather, it provides families, especially single-parent and low income families, with no choice.

Honourable senators, turning to health care, this government tells us in the Speech from the Throne that they are committed to reducing medical-care wait times. Honourable senators, they have an odd way of demonstrating their commitment. Scarcely anything is more important than the health of Canadians, and yet health care is not listed in the Throne Speech as a priority. Just last week, the Fraser Institute, not exactly a bastion of left-wing or liberal views, released a study which found that wait times for Canadians seeking surgical or other therapeutic treatment hit an all-time high of 18.3 weeks in 2007, up from 17.8 in 2006. Last Friday, the *Ottawa Citizen* featured an article describing how a young Gatineau man had to wait 28 hours after being diagnosed before finally finding a surgeon in Montreal to remove his burst appendix. I am confident that this young man would agree when I say that this government should consider giving the issue the attention it deserves, besides merely exclaiming that they are committed to reducing wait times as though being committed is a *fait accompli*.

• (1500)

[Translation]

Today, honourable senators, many Canadians have less money in their pockets because the government has increased their taxes. Canadians are facing exorbitant prices for child care and long waiting lists to get a space, not to mention the long waiting lists for health care, which have never been as long as they have been since the Conservative government arrived. The Conservative Party's 2006 election platform was called "Stand up for Canada" and its French title could be rendered as "Let's have real change".

Honourable senators, Canadians did not realize that the real message was that under a Conservative government, the more things change, the more they stay the same.

[English]

According to Mr. Harper, the results are clear: "The economy is strong, the government is clean, and the country is united." The economy is strong, that is true, but, as Mr. Dion pointed out last week in the other place,

The Conservative government inherited an unprecedented economic dynamism thanks to the efforts of Canadians and to a decade of sound financial management by the previous Liberal government . . .

Mr. Dion continued by saying that the Conservative government:

. . . has been content with just riding on this strong economy without having any plans or convincing scheme to enhance our economy's potential.

[Senator Day]

As for the country being united, honourable senators, I respectfully suggest that the Prime Minister make this statement in Newfoundland and Labrador, Saskatchewan or Nova Scotia.

The existence of a piece of legislation they wish to call the Federal Accountability Act does not entitle the Harper government to declare that it is "clean." Public trust must be earned, and it has to be maintained.

Recently, the Conservative government has been under fire. Here I refer to three independent investigations being conducted into questionable practices of the Harper government: investigations by Elections Canada, investigations by the Privacy Commissioner, and investigations by the Ontario Provincial Police.

Honourable senators, the irony that the architects of the Federal Accountability Act should be mired in scandals is indeed tragic. What is sadder still is the fact that instead of holding their actions to account, Mr. Harper and his team in the other place choose to act like children in the schoolyard and to engage in a shameful game of evasion, finger pointing and bullying.

To boast to the entire nation that the government is "clean" constitutes a stunning exhibition of arrogance. Common sense and experience tells us that the invitation to those without sin to cast the first stone is expected to be turned down by a thoughtful people, but not by this government. This government proudly casts its stones with seeming impunity, conveniently forgetting that it resides in a glass house. I predict that history will make a mockery of this remarkable boast.

Throughout the Speech from the Throne, the government repeats how committed it is to the union crafted by the Fathers of Confederation and how it respects constitutional institutions. However, it would appear that this respect and commitment extend only so far as is convenient for the Harper government — only so far as its uncompromising agenda will allow. I speak here of the issue of parliamentary reform. Liberal senators are not against parliamentary reform; we are against unconstitutional actions. The Standing Senate Committee on Legal and Constitutional Affairs, after hearing from numerous constitutional law experts and after hearing from numerous provinces, concluded that there were significant constitutional concerns if the Senate proceeded to pass Bill S-4 without consulting the provinces, as proposed by the government. The Senate agreed. We decided that Bill S-4 should proceed to the Supreme Court of Canada to obtain a ruling on the constitutionality of the proposed legislation.

Honourable senators, I fully expected to hear in the Speech from the Throne that the government would convene a first ministers' meeting to discuss proposals for parliamentary reform, but that is not what we heard in the Speech from the Throne. To my astonishment, we learned that this Prime Minister plans to ignore his constitutional partners, the provinces. Evidently, he has no appetite to test his belief that the bill is constitutional, and he does not plan to refer it to the Supreme Court of Canada. Honourable senators, what is this Prime Minister afraid of? Why has he refused to convene even one first ministers' meeting since forming the government nearly two years ago? Why does he not

wish to check the constitutionality of his bill in the Supreme Court? Is this reluctance signalling the next campaign will be to discredit the "unelected, undemocratic and appointed" Supreme Court justices?

Mr. Harper claims to take issue with the Senate because it is appointed. The Prime Minister went so far as to ridicule this chamber and all honourable senators — except Senator Brown — during his recent trip to Australia. I found these comments to be denigrating, tactless and un-statesmanlike. It seemed to have momentarily slipped the Prime Minister's mind that he was in Australia representing Canada and all Canadians, not his "reformed" Conservative Party's agenda.

Does the Prime Minister show more respect for the House of Commons because it is an elected house? Rather than hold a debate in the other place about the future of Canada's mission in Afghanistan, he preferred to appoint an expert panel to decide the matter. He would reject the Kelowna accord rather than implement a policy which resulted from 18 months of negotiations involving 147 participants, including representatives from 27 Aboriginal organizations, members of the federal government, as well as senior officials from provincial and territorial governments. He would rather see the government fall than be willing to accept parliamentarians' amendments to the upcoming crime bill. Such blatant disregard for the democratic process would be arrogant for a majority government, let alone one that received a mandate from 23.5 per cent of eligible voters in the last election.

I cannot help but wonder why certain issues were not mentioned in the Throne Speech and identified as priorities by the government. I appreciate Senator Murray's analogy of the Speech from the Throne as possibly being a Christmas tree, but there are certainly many issues, honourable senators, that should have been dealt with.

[Translation]

If I had had more time I would have liked to address a number of other points: child care, health care, the responsibilities of government, the fight against poverty, parliamentary reform and Canada's place in the world are not the only problematic items in this Speech from the Throne.

[English]

I see that my time is nearly complete. I wonder if honourable senators would provide me with two minutes to finish my summary?

Hon. Senators: Agreed.

• (1510)

[Translation]

Senator Day: For example, honourable senators, Mr. Dion spoke at length about how weak the environmental protection measures are in the Speech from the Throne, in particular, the rejection of the Kyoto Protocol. He also spoke about the future of Canada's mission in Afghanistan. I am sure my Liberal colleagues will address these and other topics in greater detail during the debate.

[English]

Parliamentarians, as representatives of Canadians, have a responsibility to do our best to look beyond party squabbles and to govern in the best interests of all Canadians. This includes implementing an ambition plan to curb climate change, aiding the reconstruction in Afghanistan, taking an active role in the Darfur peace process, taking measures to ensure that Canada's economy remains strong, and fighting poverty, inequality and social exclusion. The recent Throne Speech falls far short of a vision for Canada. By working together, we can build a better Canada; we can contribute to a better world.

Honourable senators, we will not achieve those objectives with a bullying, my-way-or-else Prime Minister.

On motion of Senator Cowan, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. John G. Bryden moved second reading of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).
—(Honourable Senator Bryden)

He said: Honourable senators, before we begin the debate on Bill S-203, it will be helpful to outline the process that, I hope, with your help and cooperation, we can follow to bring Bill S-203 to the same stage in the legislative process in this Second Session of the Thirty-ninth Parliament as its predecessor, Bill S-213, reached in the first session, before prorogation.

In attempting to do this, I am relying on the advice and drafting skills of our law clerks as well as a very detailed procedures paper that was provided, at my request, by the committees division of the Clerk's office. I am sure I speak for all of us in thanking them for their continuing professionalism, courtesy and support of us and this institution.

Bill S-203 is identical to and in the same form as Senate Public Bill S-213, which was passed by this chamber and referred to the House of Commons for consideration in the previous session. In the House of Commons, Bill S-213 received first and second readings and had been referred to the House of Commons Justice Committee. Bill S-213 died on the Commons Order Paper at prorogation.

Unlike the Standing Orders of the House of Commons, the *Rules of the Senate of Canada* contain no provisions for the reinstatement of legislation from a previous session. Therefore, while Bill S-203 is identical to and in the same form as Bill S-213, Bill S-203 must pass through all stages of consideration in the Senate prior to being referred to the House of Commons for its consideration.

House of Commons Standing Order 86.2(1) allows a Senate Public Bill to be reinstated at the stage it was prior to prorogation, provided the bill is in the same form as it was in the previous session and that it is sent to the House of Commons in the first 60 sitting days of the new session.

House of Commons Standing Order 86.2(1) states — and I quote:

During the first sixty sitting days of the second or subsequent session of a Parliament, whenever a private Member proposing the first reading of a bill brought from the Senate pursuant to Standing Order 69(2) states that the bill is in the same form as a Senate public bill that was before the House in the previous session and the Speaker is satisfied that the bill is in the same form as at prorogation, notwithstanding Standing Order 71, the bill shall be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the *Order Paper* pursuant to Standing Order 87 after those of the same class, at the same stage at which it stood at the time of prorogation or, as the case may be, referred to committee, and with the votable status accorded to it pursuant to Standing Order 92(1) during the previous session.

It is the latter that Bill S-213 had achieved.

Honourable senators, in addition to the conditions set out above in House of Commons Standing Order 86.2(1), that we must meet within the first 60 days of this session, we are all aware that this session may not last nearly that long, which makes time of the essence if we are to put Bill S-203 before the Commons Justice Committee for their consideration.

Therefore, honourable senators, I am asking for your help and cooperation to move Bill S-203 through the stages of our Senate process as expeditiously as is reasonably possible. For example, when we complete second reading, it is my intention, as is our usual practice, to move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs. With leave of the Senate, I shall include in that motion that the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs relating to Bill S-213 during the First Session of the Thirty-ninth Parliament be referred to the committee in order not to duplicate the work done in the previous session by that committee.

Honourable senators, the Senate carefully considered and passed Bill S-213 at all stages of our legislative process and referred it to the House of Commons during the First Session of this Parliament. Nothing has changed since then, except the bill is now numbered S-203 instead of S-213, as it was then.

Honourable senators, I am sure you will be pleased to hear that it is not my intention to review the history or debate the merits of Bill S-203. Most of you are as familiar with these files as I am. Anyone who wants to know how we got to where we are need only read the debates on cruelty to animals in this chamber and review the evidence presented to the Standing Senate Committee on Legal and Constitutional Affairs over the last decade.

• (1520)

In closing, honourable senators, there is another and more urgent reason that Bill S-203 become law without further delay. During this year, there has been a series of horrific examples of cruelty to animals from various regions of Canada: The Daisy

Duke case where an injured dog was dragged behind a pickup truck in an attempt to kill it; the case of amateur surgery to clip a dog's ears; the case of killing kittens with a golf club; and, most recently, the case of the puppy mill from hell, where 200 dogs were found, sick, starving, emaciated and filthy.

Canadians are sickened and angered at these and similar events. They and the press are demanding that something be done to punish the perpetrators and to deter future cruelty to animals. The major demand is that the penalties for cruelty to animals be increased dramatically from the current maximum penalty of up to a \$2,000 fine or up to six months imprisonment to penalties that reflect Canadians' abhorrence of such cruel acts, and that would deter people from such actions towards animals in the future.

The sole purpose of Bill S-203 is to increase penalties for acts of cruelty to animals. Under Bill S-203, cruelty to animals is punishable on indictment by up to five years in prison, or on summary conviction of up to a \$10,000 fine, up to 18 months imprisonment or both.

The real imperative here, honourable senators, to move expeditiously to get Bill S-203 back before the House of Commons Standing Committee on Justice and Human Rights is to give this Parliament the opportunity to finish their consideration and pass this bill. Passing this bill will give the justice system the tools to punish persons found guilty of cruelty to animals adequately, and to set examples that will deter others from acting in a similar manner toward any animal.

On motion of Senator Oliver, debate adjourned.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved second reading of Bill S-204, An Act respecting a National Philanthropy Day.

He said: Honourable senators, this bill is not news to the Senate. It was first introduced in November 2005. It has been on the Order Paper ever since. I hope that this year, with the assent of all senators, we can move this bill quickly to committee.

November 15 is established already as a special day for philanthropic organizations across the country. National philanthropy days are held in every region in Canada involving thousands and thousands of people every year. It was initiated at the grassroots level and it continues to grow, led by individual charities and organizations such as the Association of Fundraising Professionals.

With the adoption of this bill, Canada would lead the world, if Parliament recognizes National Philanthropy Day. Parliament can have a tremendous influence on public behaviour. The creation of a day recognized by Parliament would send once again a powerful message to all Canadians that charitable giving and volunteering are critical to our society, and a crucial element in all aspects of Canadian life.

Each and every senator in this room, including our most esteemed and recent senator, has been actively engaged in charitable organizations. That participation is part of our life,

so we should understand this need better than most. This day would provide a formal forum for charities and volunteer organizations across the country, before the end of the year, to give more, to gather together in our villages, towns and cities to share their stories, and to celebrate their successes, large and small.

Honourable senators, it is an established fact that celebrating these stories and identifying the ongoing need for support is one of the most effective ways to inspire others to give of themselves and their resources and wealth. For instance, Terry Fox Day is now a powerful example about what one person's positive actions can have on the public's desire to support great and good causes. Forgive me if I might add a commercial here, but the Run for the Cure established by the Canadian Breast Cancer Foundation, of which my wife was a key organizer, now raises millions of dollars every year for cancer research that is vitally needed. These are only two examples of individuals coming forward with their committees and with their friends and families to join in these extremely important gestures of charitable giving.

Parliament's recognition should be given for a number of reasons, but let me describe four. First, the recognition encourages giving. Support for the charitable sector must come from a variety of sources. Direct government funding remains a primary and essential source for many organizations. However, in the year of shrinking budgets and expanding needs, philanthropy is becoming an ever-increasing part of the public solution.

Second, recognition of philanthropy builds communities and civic society. Giving encourages greater civic responsibility. When people give, they invest a part of themselves in their community and create a stake in the future of our society. Bringing together people, both young and old, who might normally have nothing to do with one another by focusing on a common goal, happens to bond not only families but also social organizations and civic society as a whole.

Third, the recognition of this day would further strengthen the growing partnership between the federal government and the voluntary sector. The federal government began a partnership in 2002, and provided \$94 million to fund the jointly administered Voluntary Sector Initiative. The VSI resulted in a number of outcomes that were recommended jointly by the government and the sector itself, including the largest regulatory reform of the charitable sector in more than a generation. The Standing Senate Committee on Banking, Trade and Commerce, which I previously so proudly chaired, examined this question. The committee still has work to do in that regard, and I recommend to the new committee that they do so.

Finally, recognition of National Philanthropy Day is a grassroots, non-partisan matter, and something the Canadian public has strongly and consistently supported by voice and deeds. Studies now report that 90 per cent of all Canadians believe that non-profit organizations are becoming increasingly important to all Canadians. However, 59 per cent of all Canadians believe that non-profits do not have enough money to do their essential work. Every day, non-profits serve on the front lines of hundreds of issues facing our country, from social services to health care, to the environment, to the arts and beyond.

Canada, honourable senators, remains a land of free choices. Canadians can commit their time and spend their money in countless ways, but for volunteers and donors of philanthropy it is not only another choice. For many, it is a statement of the meaning of their life. Already, more and more Canadians rely upon programs and services provided by these non-profit organizations. The voluntary sector has had an indelible impact on all levels of Canadian society. More than 81,000 registered non-profits in Canada receive approximately \$10 billion in contributions annually, according to Statistics Canada. That figure is out-of-date. I do not have the most recent one, but I am sure it is at least 20 per cent higher. The impact of the volunteer sector goes beyond philanthropic programs and services. Recent studies indicate that the non-profit sector employs more than two million people. These organizations draw on over two billion volunteer hours every year — it is unbelievable — the equivalent of one million full-time jobs. Each and every Canadian has been touched by the work of our volunteer sector in some way, and each senator, as I pointed out, has been deeply involved in the voluntary sector in their regions and communities.

The non-profit sector has an impact on the financial bases of the economy. The economic contribution of the non-profit sector is larger than many industries in Canada. In 1999, the contribution amounted to 6.8 per cent of the gross domestic product, according to Statistics Canada. That number has increased. The non-profit sector GDP is 11 times more than the motor industry and, Senator Gustafson, more than four times that of agriculture. The non-profits make a huge contribution to our society.

National Philanthropy Day has the support of many volunteer organizations including Imagine Canada, Philanthropic Foundations Canada, Community Foundations of Canada, Voluntary Sector Forum, Canadian Association of Gift Planners, and Canadian Bar Association that represent thousands upon thousands of non-profit organizations. It also has the support of countless smaller charities and volunteer organizations across the country.

• (1530)

Again, honourable senators, this is a very easy thing to do. I urge you to formally recognize a special date, November 15, by adopting this bill. Should we not take just one day every year to honour the efforts of the volunteers and the efforts of all Canadians and organizations across Canada that support them?

Honourable senators, at the core of each faith is the eternal question: Is it more blessed to give than to receive? National Philanthropic Day is Parliament's answer to that question in the affirmative. I urge you to pass this bill speedily, this magnificent parliamentary gesture to Canadians and to the volunteer sector. This bill could be Parliament's donation to the work of the volunteer sector across Canada. I urge its speedy passage.

On motion of Senator Champagne, debate adjourned.

BANKRUPTCY AND INSOLVENCY ACT**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Yoine Goldstein moved second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).—(*Honourable Senator Goldstein*)

He said: Honourable senators, post-secondary education is, in many ways, invaluable, but it does not come cheaply. According to a 2004 Statistics Canada report, the average debt load of college and university graduates grew 76 per cent during the 1990s. Not surprisingly, one quarter of all post-secondary graduates now have difficulty repaying their student loans. Student debt is an inescapable reality for many young Canadians, and it is imperative that our government adopt a pragmatic and humane approach when dealing with individuals who have trouble repaying student loans.

Bill S-205 would amend the Bankruptcy and Insolvency Act to assist young Canadians who borrowed money to pay for post-secondary education but who are then unable to repay their loans, whether because of a change in the job market, illness, disability or personal crisis. This bill would make it easier for former students to be discharged from all of their debts in bankruptcy proceedings so that they are not hounded by creditors and collection agencies even after it has become clear that repayment is completely impossible.

First, I should like to discuss the importance of post-secondary education to the Canadian economy. I shall then discuss the role that student loans play in helping young Canadians, especially those from low- and middle-income families, to access post-secondary education. I shall close with a brief discussion about why this bill is needed and how it will assist individuals who are currently being crushed by student debt.

Canada's competitiveness in a global economy depends in large measure on the knowledge and skills of its citizens, especially given the growing importance of advanced technology. A highly trained workforce is also needed to raise Canada's productivity, to drive innovation and to attract foreign investment. Accessible, high-quality education is essential to ensuring that Canada has the skilled and innovative workforce required to remain economically competitive and socially progressive in the 21st century. An educated workforce benefits the Canadian economy and Canadian society as a whole.

According to Industry Canada, the amount of high-knowledge activity as a share of total economic activity is steadily rising in all parts of the country, meaning that demand is increasing for skilled employees. The Canadian Chamber of Commerce recently reported that fully two thirds of Canadian firms are suffering skilled-labour shortages. This proportion rises to three quarters in Western Canada. Perrin Beatty, president of the Canadian Chamber of Commerce, described the situation as "a looming worker tsunami."

Improving access to post-secondary education is a way to meet this demand. When asked how to address the problem of worker shortages, many firms respond that increased funding for education and training, along with more financial assistance for students, would help alleviate the shortage, because the high cost of post-secondary education is a barrier for many potential students.

In fact, the cost of post-secondary education in Canada has risen dramatically over the past two decades, with the average annual cost of undergraduate tuition jumping by more than 100 per cent, from \$1,800 in 1989-90 to over \$4,000 in 2003-04. A similar jump was seen at the college level, with the average tuition in provinces other than Quebec more than doubling, from \$1,000 to over \$2,000, during the same period. However, it was professional schools that experienced the most dramatic tuition hikes, with the cost of medical school in Ontario, for example, skyrocketing 500 per cent, from under \$3,000 in 1989-90 to roughly \$15,000 in 2003-04. For many families, indeed most families, these costs are prohibitive, and students are forced to borrow money if they wish to attend college or university.

Not surprisingly, rising tuition costs have also been accompanied by growing levels of student debt. Many students are borrowing more money to finance their post-secondary education. From 1990 to 2006, the proportion of Canadian undergraduates with debt at graduation rose from 45 per cent to 59 per cent, and the average debt load for undergraduates with loans more than doubled, from \$11,600 to over \$24,000. In 2003-04, government student loans were the second largest source of funding for post-secondary students, covering approximately 19 per cent of their costs. In 2005-06, the Canada Student Loans Program loaned roughly \$1.9 billion to 350,000 post-secondary students. Its total outstanding loan portfolio in that year was \$8.2 billion owed by 990,000 current and former students.

More assistance is needed to help students pay for post-secondary education. However, in addition to improving access and funding, we need to ensure that other types of legislation do not discourage young people from pursuing post-secondary education. Even if measures are taken to reduce student expenses and to provide new kinds of financial support, it is likely that government student loans will remain an important source of funding for university and college students. The large numbers of Canadians affected by student debt, and the growing size of the average Canadian student loan, make it essential that a rational, yet compassionate, approach be adopted in dealing with former students who find themselves unable to pay the money that they have borrowed because of circumstances beyond their control.

The number of Canadians relying on government student loans to pay for post-secondary education is increasing, as is the average amount of debt amassed per student. Data is beginning to emerge showing that high debt levels affect the choices that people make after they graduate from school. For example, college and university students might complete one degree or diploma but then decide not to pursue further studies if they already have a lot of debt. Studies have shown that students who go on to graduate or professional schools usually have much less debt than those who stop after one degree. This finding suggests that student debt could be preventing Canadians and Canada from having more highly skilled workers such as doctors and engineers. There are also concerns about equity, because those from wealthier backgrounds are presumably more likely to complete their education without amassing significant debt, and are then more likely to continue their studies.

Student debt will not disappear, but the way the government deals with students who borrow money to invest in post-secondary education matters a great deal. Bankruptcy is

supposed to provide individuals and businesses with a way of dealing with debts they cannot pay back and with a way of eventually "starting over" so that they can eventually play an active part in the economy and in society. Bankruptcy allows individuals, entrepreneurs and investors to cope with the risk inherent in any business venture by allowing them to be freed from their debts if an entrepreneurial venture does not turn out as planned. Without the last-resort availability of bankruptcy, people would be much less willing to take financial risks or invest their money in new ventures, which would greatly inhibit economic growth.

• (1540)

When students borrow money, however, for post-secondary education, they are also taking a risk by investing in something that is likely but not guaranteed to benefit them and society. Student borrowers should have the right to declare bankruptcy in a timely fashion and be released of their debts, just like other investors.

However, despite the importance of providing individuals with a means of starting over, and notwithstanding the benefits of using bankruptcy to help investors cope with risk, student loans are treated differently than any other kind of loan in bankruptcy proceedings. Unlike, for example, a small business owner borrowing money, a former student cannot be freed of a government student loan in bankruptcy proceedings until he or she has been out of school for 10 years. If an individual with a student loan is negatively affected by a dramatic change in the job market, or if the individual suffers a personal catastrophe of some kind, no options are available to them once interest relief and debt reduction programs have been exhausted.

In conducting research for this bill, I discovered stories about young Canadians who have had personal misfortune compounded by financial difficulties relating to the repayment of student loans. For example, there are young Canadians who have graduated from college and university with significant debt, only to be diagnosed with a terminal illness and told that they cannot work to earn a living. These people have subsequently gone on to default on their loans and then have been continually harassed by commercial collection agencies on behalf of our government, even though it is clear to all parties that circumstances beyond anyone's control have made repayment impossible for these borrowers. Under the current law, these unfortunate individuals are trapped by circumstance with little hope of escape. This bill will help these people by allowing them to apply to a court to be relieved from their loans at any time.

The treatment of student loans and bankruptcy proceedings has changed a great deal in the last decade or so. A rule prohibiting the discharge of student loans in bankruptcy for two years after the holder left school was created in 1997 during the series of amendments to the Bankruptcy and Insolvency Act. One year later, without any notice and without the knowledge of anyone that had an interest, the restriction was unilaterally increased to 10 years. There was no additional consultation, review or explanation for the second change, other than the apparent belief on the part of the lenders that student borrowers were declaring bankruptcy shortly after graduation in order to avoid repayment of their student loan debt.

Despite this perception, one thing has become clear over the last 10 years that is essential for an understanding of the philosophy behind this bill: There is absolutely no evidence at all that students have been abusing the bankruptcy process to rid themselves of student debt. In fact, all of the research that has been done indicates the contrary.

However, reviewing bankruptcy legislation in connection with student loans, one would think that abuse has occurred. That is not the case. The research is clear and consistent: Abuse of the bankruptcy process is not a factor in the non-reimbursement of student loans.

Honourable senators, this bill would reduce the amount of time before which student loans can be discharged in bankruptcy proceedings to two years, as it was in 1997. It would create a new provision that would allow persons experiencing long-term financial hardship to apply for a court order to relieve them from all or part of their student loans within two years of completing schooling. By allowing student debts to be included in bankruptcy after two years from the end of a student's study, Bill C-205 balances the need for graduates to take responsibility for their obligations and the need for Canadians to be freed from unbearable debt within a reasonable period of time.

Allowing those facing exceptional circumstances to apply for a court order at any time also ensures that no Canadian will suffer undue and unreasonable hardship because of student debt.

Honourable senators, this bill is compassionate. It is timely, given the rising cost of post-secondary education and growing levels of student debt. It is premised on the notion that it is in the interest of all Canadians for students from all backgrounds to be able to invest in post-secondary education without the disincentive of a potentially disastrous and long-term burden. Accordingly, the small minority of people for whom the investment does not pay off should not be unfairly penalized and prevented from making a fresh start at a key time in their lives.

George Peabody once described education as a debt due from present to future generations. This bill will help to ensure that borrowing money today to pay for post-secondary education will never create a crushing financial albatross from which needy former students cannot be freed until very far into the future.

Honourable senators, I urge speedy passage of this bill in this place.

On motion of Senator Tkachuk, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Grafstein*)

He said: Honourable senators are familiar with the subject matter of this bill, but let me briefly sum up, for those who do not recall it, that this bill is essentially about equality and equal

treatment of Canadians across the country regarding clean drinking water. The situation in Canada, rather than improving, continues to deteriorate. The companion bill, to which I will speak tomorrow, deals with the upstream protection of our drinking water. This bill deals with water at source.

This bill has been on the Order Paper now since February 2001. I introduced it as a remedial measure arising out of the tragic situation that occurred in Walkerton, Ontario, my province; in North Battleford, Saskatchewan; and in other towns and cities across the country. Recently, even this summer, a tragic event took place with respect to water in Montreal. We continue to have bad episodes of drinking water in the 21st century in Canada. To my mind, that is a major disgrace.

This is a simple bill. It will amend the Food and Drugs Act to add clean drinking water as an explicit objective of a federal agency already organized to regulate foods and liquids. As I mentioned before, the food and drug agency regulates soda pop and ice. The federal government regulates drinking water in all its federal aspects across the country and it regulates drinking water in bottles but not drinking water at source. A bottle of drinking water from Fiji costs \$4 or \$5, yet people are not able to get drinking water out of their taps in many towns and cities across the country on which they can rely.

I will not repeat the speech I gave in May 2006 in the Senate at second reading. At that time, I convinced my colleagues who had objected to the bill from a constitutional perspective and others to refer it to committee. I again commend Senator Banks, who held excellent hearings. Finally, after five years, we heard from Health Canada that the bill was constitutional. There is no longer a question about its constitutionality, but it took five years — and I see that Senator Banks, who chaired the hearings so ably, agrees — and that was a means of speeding the passage of the bill along in this place.

Senator Bryden presented the problem we have in this chamber compared to the other place. The other place can, by a simple motion, restore all of its legislation that dies on the Order Paper. We have to go through the mechanics of second and third reading and referring bills to committee. I hope, with the consent of honourable senators to expedite this bill and get it back to the other House, where it sat on their Order Paper.

This bill was passed by this chamber. In order for the proposed legislation to return to its place on the other side, it needs to be sent there within 60 days. A number of days have already run; I believe we are at around 55 days now. Time is running out. If, as suggested, this Parliament will be a short one, I urge that honourable senators expedite this bill as quickly as possible.

I will not go into the procedure, as Senator Bryden already did so. Essentially there is a means and we will talk to house leaders on both sides to see if they will consent, as they did before, to expedite the passage of the bill with the consent of all senators.

• (1550)

The situation has not improved over the last five years but has grown worse. The greatest scandal, of course, is in the Aboriginal community. I am delighted to hear once again that this government and the last three or four preceding governments have all mentioned their commitment to drinking water and

particularly to drinking water in Aboriginal communities. However, the situation is no better today than it was five years ago. This bill, if passed, will force the federal government to expedite what it should have done before, which is to renovate the infrastructure, particularly for First Nations people.

Honourable senators, I will not take much more time on this matter because you have heard it before. I will not be emotive about it, but I want to again remind all senators, particularly female senators, about the importance of this measure. One thing upset me deeply five years ago when we had a meeting. My friend, Dennis Mills, member of Parliament, and I convoked a hearing in an Aboriginal community north of Toronto. An Aboriginal woman from Grassy Narrows told us that in order for her to have a healthy baby she must leave her reservation and go to a place where there is clean drinking water. In that way she could cleanse her womb for two or three years in order to ensure that the impurities in her system were removed so she could have a healthy baby. When I heard that story I was outraged.

Honourable senators, I want to again thank Senator Watt and Senator Adams for their tremendous moral support. Senator Watt brought this situation to my attention and made me become, in effect, his advocate for this particular measure. Senator Smith will be pleased that I mention the study by the Gordon Water Group of Concerned Scientists and Citizens, *Changing the Flow: A Blueprint for Federal Action on Fresh Water*. It includes, on page 33, a chapter on drinking water. The rest of this excellent study, founded by a great friend of ours, a great mentor of Senator Smith and mine, Walter Gordon, and his family, was funded by their foundation. I will read brief excerpts from their recent study at page 33, Priority 3: Securing Safe Drinking Water for all Canadians.

By the way, this group is comprised of concerned scientists and citizens in every region across the country, including all the environmental groups. This has been supported by practically every environmental group and people interested in this question across Canada. They say:

The Canadian government estimates that contaminated drinking water causes 90 deaths and 90,000 cases of illness annually and independent health experts suggest a much higher number of Canadians suffer from gastrointestinal illnesses related to their drinking water.

When I sought to obtain these statistics from Health Canada they were not available. I believe the reason Health Canada did not make them available or keep them is because they would then be obliged under the act, as a public health measure, to do something about it. In my view, there has been a whitewash of this statistical information and we do not keep track of what is going on here.

When I was preparing my paper, I asked Dr. Schindler, an independent expert, if he and I could put together a model to estimate the savings to the health system if we could clean up the drinking water situation across Canada. We estimated a minimum of \$1 billion to \$2 billion a year alone, aside from the cost of people becoming sick because of bad drinking water. Many times people go through the health system and, because the system does not keep track, they do not even know their illness came from bad drinking water. That is a whitewash and a scandal.

Honourable senators, the report continues:

... inconsistencies and inequities exist. As the water contamination events in Walkerton, North Battleford and Kashechewan illustrate, problems are most severe in communities that rely on small drinking water systems and on First Nations reserves.

When I heard the Newfoundland story, this upset me even more. What is the Newfoundland story? In many of the outposts of Newfoundland, where they have large families of six, seven or eight children, to this day they must boil all of their water for all of their utilization — for their food, drinking water and washing needs. Newfoundland and Labrador is an oil-rich province and it has not been able to provide clean drinking water to its own inhabitants. The Premier of Newfoundland and Labrador rants and raves about how important it is to get revenue from the federal government in connection with the resources in his province, but I have not heard anyone rave and rant about the hundreds of housewives and mothers who to this day, every day, must boil their water. I do not know how inert we can become when we do not respond to these rather emotional tales.

Therefore, what is the action plan? The action plan, on page 33 of the study, states:

Why the Federal Government?

- Under the Constitution, the criminal law power gives the federal government power to legislate to protect the health and safety of all Canadians. Clean and accessible drinking water is essential for health and safety.

Again, every day the department of health is directed to say that, if one wants to be healthy, one must drink eight glasses of water a day. How inconsistent is that? We demand to keep good health by drinking water, but we do not provide the good water so children and families can drink it.

On that point, Senator Nolin has been a great critic of most of my legislation. He and I are interested in constitutional matters. We have other things to discuss, such as securities legislation and the watershed bill. It is interesting, though, that last week the Minister of Finance of Quebec — and I have made the point in this chamber a countless number of times — said that the federal criminal power is unquestioned by Quebec. This is the power upon which the Food and Drugs Act is based. She said that is unquestioned, and that was two days ago. I will send the honourable senator the clipping. I might have misquoted the minister, but sometimes even a Minister of Finance in Quebec is right. On that question, she was right. We will continue to debate this question. We will hear from the securities regulator how she is impeding the progress of our capital markets, but let us stick to the subject matter here.

- Through Health Canada, the federal government is responsible for enhancing and protecting the health of Canadians.

The Gordon report continues:

- The federal government has established legislative standards for food, drugs and bottled water through the Food and Drugs Act, 1985.

The federal government has a clear mandate —

Honourable senators, note this:

— and fiduciary responsibility to ensure safe drinking water for Aboriginal Canadians (First Nations, Metis and Inuit) whose communities are located on federal land.

Honourable senators include First Nations, Metis and Inuit representatives and I hope they will support me once again in this measure.

The Gordon report concludes by saying, under “Standards vs. Guidelines,” because the federal government has non-enforceable guidelines which, as the Auditor General has reported, are way out of date. We have guidelines established that are voluntary and even they are out of date. Senator Banks discovered that when he had the Auditor General report to his committee. That is all on the record.

The concluding statement in this paragraph is:

Standards are expected to provide a superior level of protection for human health compared to guidelines because they are legally binding and enforceable and failure to comply results in punishment. Guidelines, on the other hand, are essentially voluntary targets that water providers may strive toward but are not required to achieve.

Honourable senators, the situation is not getting better; it is getting worse. Whether one agrees with the Gordon report is another question. There is not a province or region in this area where there is not bad drinking water today. It is my contention that the reason for this is that the criminal power has not been utilized with the municipalities and those involved to ensure that the health of Canadians is protected.

I began with a question of equality: Why is it that in Toronto I should get clean drinking water for me and my family and someone in Newfoundland should not? Why is it that in Toronto I should get clean drinking water for my family and Senator Watt's or Senator Adams' families and their communities should not? It is not fair. It is not right. It is contrary to the spirit of the Charter.

I will conclude by this comment: There is one institution in Canada that is supported by 88 per cent of the public. It is not the flag, it is not the Queen, it is not the Governor General, and it is not even our Speaker. There is one institution that is respected in every region of the country by 88 per cent.

• (1600)

That is the Charter of Rights and Freedoms. Canadians believe in rights. They believe in equality. I hope the Senate will join in this belief and speedily pass this measure back to the House of Commons so we can deal with this issue, and save and help Canadians to be healthy, prosperous and productive citizens.

On motion of Senator Cochrane, debate adjourned.

STATUTES REPEAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Banks*)

He said: Honourable senators, I have lost count of the number of times that I have not only spoken to but introduced this bill. Senator Bryden has set out the context of the situation in which this bill, as well as his bill, is found.

I will not bore you about its provenance but this bill is one that answers the question of how long a government will enjoy the discretion given to it by Parliament to enact the will of Parliament. It answers that question with ten years. Absent that constraint of time, Parliament gives the government discretion to determine when, but not whether, an act will be brought into force.

This bill has been passed unanimously in this place. It has been placed unanimously at second reading in the other place. This bill has been studied over the course of five years by the Standing Senate Committee on Legal and Constitutional Affairs, during the course of which study it has been amended and changed. It has been studied by the Department of Justice, and changes have been made to accommodate the wishes and needs of that department.

That department is now geared up and ready to give effect to this act of Parliament when it comes into force. It has been amended to accommodate department wishes. This government, I am told, is in favour of this bill. I know the present opposition is in favour of this bill. I know the previous government was in favour of this bill, and I know the previous opposition was in favour of this bill. It has been passed unanimously through every stage.

This bill is non-controversial, non-partisan and not even political. It is simply a bill in the public interest of Canada. It has been supported unanimously on all sides. I am informed that it was within days of being reported without amendment by the committee in the other place for third reading when prorogation occurred.

When Senator Bryden stated the mechanism by which these two bills can be restored to their previous place, I call two things to your attention. The first is that Senator Bryden said we have a 60 sitting-day window of opportunity to do that. The second time, the honourable senator said 60 days, and the second time is correct, according to the information I have. The window of opportunity is not 60 sitting days but within 60 days of the beginning of the Second Session of the Thirty-ninth Parliament. This is the tenth day. There are 50 days left, and 10 of them are a break. If we want these two bills restored to the place they were, in the other place, we have a small window of opportunity in which to do that, smaller than we would think.

Speaking as I must for this bill, it has been studied and studied, and it has been changed in light of those studies to accommodate both the wishes and concerns expressed by the Standing Senate Committee on Legal and Constitutional Affairs and the

Department of Justice, with whom we have been negotiating for five years about the nature of this bill and what will happen to it if it becomes an act of Parliament.

I can assure honourable senators, as Senator Bryden did, that the bill before us now has been changed only in number. Every other aspect of this bill is identical, down to the comma and indentations, to the one previously passed unanimously in this place and in the other place at second reading and sent to committee there. I urge and ask that we deal with the greatest alacrity possible to make this bill an act of Parliament.

Hon. Hugh Segal: Honourable senators, I want to express my support, as I did the last time this bill was before us. I think that in the content of this bill, in representations made by Senator Hervieux-Payette with respect to the status of legislation that keeps on getting rolled back and forth, there may be an opportunity for the Standing Senate Committee on Rules, Procedures and the Rights of Parliament to make a broader recommendation that we would all support. I will work with my honourable colleague to move this bill through the house expeditiously, and I will adjourn the bill for the present time.

On motion of Senator Segal, debate adjourned.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Yoine Goldstein moved second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).—(*Honourable Senator Goldstein*)

He said: Honourable senators, I am speaking to Bill C-280. You will likely remember from our debates last spring that this bill would deal with the Immigration and Refugee Protection Act to bring into force those provisions of the act that establish the refugee appeal division.

It is unfortunate that Parliament should ever be forced to create a new law to fully implement the provisions of one that is already passed. It is doubly regrettable in this case since the refusal of successive governments to implement the refugee appeal division is one symptom of the growing crisis in Canada's system for the protection of refugees and asylum seekers.

Honourable senators, around the world, every day, hundreds, if not thousands, of people flee from their homes to escape persecution based on race, religion and political views. Over 55 years ago, the international community codified its responsibility to protect these persons in the form of the United Nations Convention relating to the Status of Refugees. As a party to this convention, Canada is forbidden to send any refugee claimant to another country where his or her life would be threatened.

• (1610)

Accordingly, it is Canada's duty to carefully examine the case of each refugee applicant, lest we become unwitting accomplices by sending persons to a place where they will be harmed.

Unfortunately, many persons attempt to take advantage of the international system for the protection of refugees, meaning that Canadian officials often face the agonizing task of screening out the truly deserving, using evidence that is often incomplete or unverified. As a result, it can take many months to process a refugee claim, particularly since Canada receives somewhere between 23,000 and 38,000 refugee claims each year.

In 2001, Parliament passed the Immigration and Refugee Protection Act, in the hopes of speeding up and streamlining the process for approving refugee claims. A key provision of the act reduces the number of immigration board members hearing each case from two to one, which theoretically would have doubled the number of claims that could be heard in a given period of time.

However, this efficiency came at a price. Whereas before most claims would be accepted if only one of the two members supported the application, the new system put each applicant's fate in the hands of one immigration board member.

To guard against the potential of for mistakes by individual officials, the 2001 law balanced the increased efficiency of the determination process by creating a new refugee appeal division, which would be able to hear appeals from those who were rejected based on the merits of their cases. However, when the law went into force in 2002, the government of the day specifically did not implement the provisions creating the refugee appeal division on the grounds that it would slow the system to the point of a halt; an explanation that is counterintuitive and thoroughly illogical.

While arguments about efficiency might sound tempting, speed should not be the primary goal of the system that exists to protect those who are running for their lives. Without the refugee appeal division, claimants rejected under the new system have been left with no way to appeal on the merits of their claims. Instead, all they can do is ask the Federal Court to grant them leave to apply for judicial review of their cases.

Unfortunately, nine out of ten applicants are denied leave to apply, and the court gives no explanations for those that it turns down. As a last resort, rejected claimants can apply for pre-removal risk assessment, which evaluates the likelihood that a person will be harmed if he or she is deported. However, an application for a risk assessment can only be made on the basis of new evidence and cannot be based on a reconsideration of the original refugee claim.

Only yesterday, an imam whose wife is Canadian and pregnant was deported to his country of origin where he faces a prison sentence of at least three years and presumably untold torture. Yet we deported him.

Without a proper appeal process, Canada has no mechanism to assure that it fully respects its international commitment to protect refugee claimants from harm. This failure has been noted by the United Nations High Commission for Refugees, which has written to the Canadian government expressing its opinion that, "An appeal mechanism is a vital part of the refugee determination process."

This view has also been expressed by the Inter-American Commission on Human Rights, and by the United Nations Committee against Torture. At present, Canada, Italy and Portugal are the only industrialized countries without a

procedure for a merit-based appeal process for asylum and refugee claims.

Perhaps the most regrettable part of this situation is, despite the non-implementation of the refugee appeal division, Canada's system for the protection of refugees has become less efficient in recent years, not more. Instead of dropping, the number of backlogged cases has grown by over 50 per cent since August 2005, leaping from 20,000 to almost 31,000.

Worse still, each case is being handled at a slower pace, with the typical processing time now standing at over 14 months, as compared with 12 months as recently as December of last year.

The biggest factor driving this slowdown is that this government has refused to fill over 40 vacancies on the Immigration and Refugee Board of Canada, leaving the organization operating at two-thirds strength. Unless appointments are made soon, this situation will worsen, leaving those in need of protection hanging in limbo for ever longer periods of time.

It is incumbent on all parliamentarians to stand up for what is right, especially when it comes to protecting the most vulnerable in our international community. That is why I have agreed to sponsor this bill, even though it was introduced in the other place by the Bloc Québécois, a party with which I customarily disagree.

Recent events have made it obvious that the long delays in the refugee claimant process are not the result of the process, but rather the fact that successive governments — both Liberal and Conservative, let it be said — have not allocated the resources required to make the process work.

Honourable senators, I have a significantly personal interest in this bill and in the refugee process. In the late 1930s and early 1940s, when some 6 million Jews could have been saved from their death, this country adopted a policy that has been described as "none is too many" — a policy that systematically refused entry into Canada people who, to the specific knowledge of Canadian immigration officials at that point, were destined to be killed solely because of their religion.

I respectfully urge honourable senators to support this bill, so that together we can send the message that refugee protection is a fundamental Canadian value. It must be done with complete confidence, with the right procedures and resources in place to do so. To do otherwise will only exacerbate the problem and force more deserving people back to the persecution from which they have fled.

Canada should not do that. I respectfully urge your support.

On motion of Senator Di Nino, debate adjourned.

BUSINESS OF THE SENATE

Hon. Tommy Banks: Honourable senators, I will make a point, since he is not here at the moment, of contacting Senator Segal, but I wish to correct myself. I made a point when I was speaking about Bill S-207 in suggesting that I had heard differently than

Senator Bryden about the 60 sitting days as opposed to 60 days. Since I dwelt on that for a moment, I must tell you that I was wrong and Senator Bryden is right. In the first sentence of the House of Commons Standing Order 86.2. (1) it says:

During the first sixty sitting days of the second or subsequent session of a Parliament. . .

We agree on everything else. I wanted the house to be aware of that matter, and I will undertake to tell Senator Segal that forthwith.

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Senate Committee of Selection (*Speaker pro tempore*), presented in the Senate earlier this day.

Hon. Hugh Segal: I move adoption of the report standing in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1620)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2007 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein, pursuant to notice of October 17, 2007, moved:

That the following Resolution on Combating Anti-Semitism and Other Forms of Intolerance, which was adopted at the 16th Annual Session of the OSCE Parliamentary Assembly, in which Canada participated in Kyiv, Ukraine on July 9, 2007, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2008:

RESOLUTION ON COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE, INCLUDING AGAINST MUSLIMS AND ROMA

1. Recalling the Parliamentary Assembly's leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,
2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,
3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,
4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,
5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,

The OSCE Parliamentary Assembly:

6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;
7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;
8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;
9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;
10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti-Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;

11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;
12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;
13. Reaffirms especially the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";
14. Recalls the agreement of the participating States, adopted in Cracow in 1991, to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;
15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;
16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;
17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance
18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;
19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;
20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts;
21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti-Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;
22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;
23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;
24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;
25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediatized form that could be utilized throughout the OSCE region;
26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;
27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;
28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;
29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;
30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;

31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:
 - a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;
 - b. collect, analyse, publish, and promote hate crimes data;
 - c. protect religious facilities and communitarian institutions, including Jewish sites of worship;
 - d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
 - e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;
 - f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;
 - g. work with civil society to develop and implement tolerance initiatives;
32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;
33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;
34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;
35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;
36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;
37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;
38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to “eradicate practices that segregate Roma in schooling” and provide equal access to education that includes intercultural education;
39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;
40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;
41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly's Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;
42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;
43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;
44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;
45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;
46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;

47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;
48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission's adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;
49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", as enshrined in the Helsinki Final Act;
50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;
51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;
52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.

He said: I shall not try your patience too much longer; you have been very salubrious in your responses.

Honourable senators, this resolution in most of its form has been on the Order Paper now for some five years or more. I shall briefly address it, as this is a new motion with some amendments, a similar motion having been tabled in the last Parliament.

I rise to speak on this motion and to address the rising spiral of anti-Semitism, the oldest of all prejudices in Canada and elsewhere around the world. The alarming statistics cry out for redress.

The largest number of recorded hate incidences across Canada and in Toronto continues to be anti-Semitic in nature. Over 60 per cent of all the hate incidences in Toronto, my home city, were anti-Semitic. In the past year, while the total number of incidences has ebbed slightly, they remain at historic high numbers — and again, anti-Semitic incidences top the polls.

The information has been tracked first by B'nai Brith and now, more recently, by some police authorities. The hate incidences are still not tracked by Statistics Canada, which is part and parcel of this particular resolution.

The substance of this motion has been on the Order Paper for over five years. It was briefly considered by the Standing Senate Committee on Human Rights for an hour or two. However, for some unexplained reason, the committee chose not to complete that study despite the resolution of this chamber, and a report was never completed.

Honourable senators will recall that this resolution was unanimously adopted by 55 states, including Canada, in Washington in July 2005, and before that, for over five years, by the OSCE Parliamentary Assembly, which has now grown from 55 states to 56 states. Once again, at its annual meeting in Kyiv, which I attended, it was adopted by all countries by a very large margin. There were very few abstentions.

The pith and substance of this motion have been revisited each and every year, and there have been countless sidebar meetings in every major city across Europe to keep up the work. Hence, the issue is not fading away. The regretful attendance of the president of Iran at the United Nations in New York indicates that anti-Semitism is alive and well. Not only is it alive and well in those corners of the world away from public attention, but also in the media capital of the world, in New York City, at Columbia University and at the United Nations itself.

I regret to say that the resulting resolution dealing with this action has been taken by a number of other countries. France has taken some action, along with Bulgaria and Romania. Many other countries have moved. In particular, I want to draw attention to the fact that our sister parliament in the U.K. held an all-party meeting on this and have come up with a magnificent study, which is available on the House of Commons website in England. They thought it was important enough for it to be an all-party study and they spent the better part of a year on it.

I am not suggesting that here — I want a much shorter hearing — but essentially the U.K. has come up with a model in a parliamentary system that could be utilized or at least considered by the committee of this place.

All 56 member states recognize the ominous re-emergence of the dark and miserable throwback to the dark recesses of history. As I said, this resolution captures the previous resolutions, with some amendments that took place in Kyiv in Ukraine.

The requirement in this resolution is to make a report. I want to refer to a couple of brief paragraphs that might be useful. The first is to call upon, collect and analyze hate-crime data. The purpose of this is to draw attention to public authorities about hate crimes. This does not apply to just anti-Semitism; it applies, as the title says, to anti-Semitism, to xenophobia, to anti-Muslim or other anti-religious feelings. Hence, it is important to collect statistics, and section 31 of this resolution calls upon all member states, including Canada, to do so.

Furthermore, it calls upon police officers to be trained to handle hate crimes. It is interesting that the Toronto Police Service is now leading the OSCE to train police forces across

Europe about how to handle hate incidents. There is a delicacy and a sensitivity to hate incidents that do not apply to criminal actions generally. Canada, particularly Staff Sergeant Brown and his colleagues, and others from the United States have been holding seminars throughout Europe. Originally, only four or five countries were prepared to participate; now 22 of the 56 countries are regularly participating in these training sessions for police. This training program is an added and concrete step.

Finally, honourable senators, let me say this. From the number of voices that have advocated ideas that could bring redress and a retreat from this rising menace, the following five approaches have been advocated. The heart of this long resolution is only five things I should like the Senate committee to focus on.

First is education, to urge teachers, school boards and school officials to develop effective core curriculum at all levels of education to remediate the roots of this historic hate. Elie Wiesel, in a magnificent speech in Berlin at a conference some years ago, said this: "You can teach a child to love or you can teach a child to hate."

By the way, I find it curious that in my own city of Toronto, which has the second or third largest number of Holocaust survivors, we still have not been able to develop a suggested core curriculum for all the schools at the primary, secondary and post-secondary level. I must commend the Roman Catholic Church, which has done excellent work in renovating its catechism. The Lutheran Church has done the same thing, and others are working away at it. My point, however, is that although there have been some changes they have been slow. Education is important.

The second approach is statistics. Most democratic republics do not understand the depth and the nature of this problem. In this resolution, governments are urged to track and publish hate incidences regularly when and where they occur.

The statistics gathered by me are not mine. They have been gathered by the B'nai Brith as well as police forces in Toronto who try to keep track of this. They all generally concur about the tracking and the rising incidences. The available statistics usually come from nongovernmental sources but are serious enough to warrant annual and regular attention by Statistics Canada.

The third approach is more sophisticated policing. As I indicated, the Toronto Police Service has led the way internationally, in conjunction with the OSCE, and now trains police forces in 22 countries.

Fourth is to review our domestic laws to strengthen the rule of law against invidious and hateful conduct and incitement to hate or violence. It is time to have a fresh review of the anti-hate legislation on our books.

The last approach is to expose the explosion of websites on the Internet that promote hate and discrimination. On this latter point, pioneering work has been done on child porn and missing children in partnership with the Toronto Police Service and Microsoft. There are solutions; there are freedom-of-speech solutions to inhibiting the use of the web to increase hate. We can curb hate if we do it without reducing free speech; there are mechanisms available.

I hope, honourable senators, that the Standing Senate Committee on Human Rights, if this motion is adopted, will explore these five elements that can dilute the impact of hate. I am not asking for a massive study of months and months — I know the committee in question is very busy — but I would think that, within three or four well-organized sessions, they could hope to address some of these points and act as a model of recommendation to the federal, provincial and municipal governments. We cannot hope to eradicate the roots of this odious prejudice of anti-Semitism, but hopefully we can make a difference.

Some honourable senators may wonder why I continue year after year on this topic. Honourable senators, I take this subject very personally. I have seen anti-Semitism up close and personal, since this dismal subject was directed toward me, my family and my co-religionists personally, right here in Canada.

• (1630)

Honourable senators, why is there a continuing reluctance on the part of the Standing Senate Committee on Human Rights, in light of the clear evidence of the growing problem in Canada, to study this problem? This subject goes to the very heart of the idea of equality before the law, in which each and every senator believes, equality of our civic society and, above all, freedom from fear. I urge all honourable senators to support this motion and refer it quickly to the Standing Senate Committee on Human Rights.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—DEBATE ADJOURNED

Hon. Wilfred P. Moore, pursuant to notice of October 18, 2007, moved:

That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.

He said: Honourable senators will recall that during the last session the Senate debated the inquiry of Senator Banks calling the attention of senators to the large number of vacancies in the Senate and to the constitutional obligation of the government to fill those vacancies. Several honourable senators who participated in the debate expressed their dismay that the Prime Minister had stated clearly a general policy that he would not fill vacancies. Not surprisingly, he made a glaring exception to this policy when he announced an appointment to fill a vacancy in his home province of Alberta before that vacancy had even occurred.

I acknowledge that there have been periods of time when the vacancies in the Senate have exceeded 12. In the fullness of time, all such vacancies were filled. However, in those situations, none of those prime ministers stated, "I do not intend to appoint senators unless necessary," as Prime Minister Harper has said. This Prime Minister cannot unilaterally rewrite a section of the Constitution, which is an agreement between the federal government and the provinces that has existed for 140 years.

Some honourable senators have expressed concern about the impact of the Prime Minister's decision on the rights of the provinces. Senate representation is not optional; it is not the gift of a prime minister to give or withhold at his whim. Representation in the Senate is constitutionally guaranteed to every province as part of the compromise that made Confederation possible. The policy of the Prime Minister unilaterally denies the rights of the provinces.

Some have also expressed concern about having sufficient numbers to carry on the proper functioning of the Senate. Honourable senators, saw an illustration of the problem during the last session. On May 15, the Senate adjourned for a lack of quorum. It is not unusual in a parliamentary body for the opposition to attempt to use a lack of quorum to delay a government initiative that it opposes. However, this tactic is rarely successful because under normal circumstances the government can easily establish a quorum with its own members.

On May 15, when the Speaker's attention was called to a lack of quorum in the Senate, debate was suspended for five minutes while senators were summoned from the reading room. After that failed to establish a quorum, the bells were rung for a further 15 minutes. Honourable senators, I emphasize that the day in

question was a Tuesday, normally the beginning of our weekly calendar, not the end of it. After the bells were rung, the government still could not muster the 15 senators needed to carry on the business of this place. For the first time since 1914, the Senate adjourned for a lack of quorum. The result of the Prime Minister's refusal to appoint senators is a serious undermining of the Senate's ability to function.

Equally disturbing is the constitutional situation the Prime Minister has created with his refusal to recommend appointments. One seat has been vacant for over three years. The Prime Minister has put the Governor General in the intolerable position of not carrying out her duty under section 32 of the Constitution Act, 1867.

Honourable senators, over the past four months, no one on the government side in this place has defended the Prime Minister's policy of letting vacancies linger. I wish I could say that I am surprised. I particularly regret that none of my Conservative colleagues from Nova Scotia has spoken to an issue that affects so deeply our province's commitment to Confederation. Nova Scotia is currently the most affected by the Prime Minister's policy of neglecting vacancies. We have three vacancies, which amounts to 30 per cent of the seats guaranteed to Nova Scotia under the Constitution. One of those vacancies, the seat left open by the retirement of Senator Buchanan, has gone unfilled for 18 months.

Honourable senators, I do not think we can remain silent about this state of affairs. At a minimum, we must say collectively that we want the vacancies filled. The Prime Minister advocates changes to the Senate; as is his privilege. In the meantime, he is wrong to say that he will disregard the Constitution until his proposals are adopted. He is wrong to oppress the constitutional rights of Nova Scotia and other provinces. He is wrong to fail to do his duty to recommend appointments to the Governor General.

One of the most basic rules of the Queen's representative is to preserve the Constitution. Normally, the Governor General acts on the advice of ministers but, when the Prime Minister omits to tender advice in an effort to prevent the fulfillment of a constitutional obligation, where does that put the Governor General? Honourable senators, I submit that since the Prime Minister has plainly said that he refuses to recommend appointments, then it is incumbent upon Her Excellency to take whatever steps are necessary to fulfill her constitutional duties.

For that reason, I urge all honourable senators to support the humble Address I propose today, praying that Her Excellency carry out her duty under section 32 of the Constitution Act, 1867, and fill the 12 vacancies in this place.

On motion of Senator Tkachuk, debate adjourned.

The Senate adjourned until Wednesday, October 24, 2007, at 1:30 p.m.

CONTENTS

Tuesday, October 23, 2007

	PAGE		PAGE
SENATORS' STATEMENTS		The Honourable Anne C. Cools	
Conference on Diversity Through Equality in Public Administrations in Europe		Political Affiliation.	
Hon. Donald H. Oliver	41	Hon. Tommy Banks	47
Manitoba		Hon. Marjory LeBreton	47
Francophone Economic Development.		Finance	
Hon. Maria Chaput	41	Atlantic Accord—Offshore Oil and Gas Revenues.	
The Late Luciano Pavarotti		Hon. James S. Cowan	47
Hon. Elizabeth Hubley	42	Hon. Marjory LeBreton	47
The Right Honourable Lester B. Pearson		The Environment	
Fiftieth Anniversary of Winning Nobel Prize.		Approach to Climate Change.	
Hon. Percy Downe	42	Hon. Grant Mitchell	47
Pink Shirts for Peaceful Schools		Hon. Marjory LeBreton	48
Hon. Jane Cordy	42	Finance	
Invitation to Debate		Value of Dollar.	
Hon. Bert Brown	42	Hon. Leonard J. Gustafson	48
Children in War		Hon. Marjory LeBreton	48
Hon. Roméo Antonius Dallaire	43	Elections Canada	
Visitors in the Gallery		Requirement of Electors to Present Civic Address.	
The Hon. the Speaker	43	Hon. Lorna Milne	48
		Hon. Marjory LeBreton	49
<hr/>			
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Committee of Selection		Speech from the Throne	
First Report of Committee Presented.		Motion for Address in Reply—Debate Continued.	
Hon. Hugh Segal	43	Hon. Joseph A. Day	49
Second Report of Committee Presented.		Criminal Code (Bill S-203)	
Hon. Hugh Segal	43	Bill to Amend—Second Reading—Debate Adjourned.	
Criminal Code (Bill S-3)		Hon. John G. Bryden	51
Bill to Amend—First Reading.		National Philanthropy Day Bill (Bill S-204)	
Hon. Gerald J. Comeau	45	Second Reading—Debate Adjourned.	
Criminal Code (Bill S-213)		Hon. Jeremiah S. Grafstein	52
Bill to Amend—First Reading.		Bankruptcy and Insolvency Act (Bill S-205)	
Hon. Jean Lapointe	45	Bill to Amend—Second Reading—Debate Adjourned.	
The Senate		Hon. Yoine Goldstein	54
Notice of Motion to Urge Governor-in-Council to Prepare		Food and Drugs Act (Bill S-206)	
Referendum on Whether the Senate Should be Abolished.		Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Hugh Segal	45	Hon. Jeremiah S. Grafstein	55
Notice of Motion to Urge Government to Update Phosphorus		Statutes Repeal Bill (Bill S-207)	
Concentration Regulations.		Second Reading—Debate Adjourned.	
Hon. Mira Spivak	45	Hon. Tommy Banks	58
		Hon. Hugh Segal	58
<hr/>			
QUESTION PERIOD		Immigration and Refugee Protection Act (Bill C-280)	
Status of Women		Bill to Amend—Second Reading—Debate Adjourned.	
Comments by Minister—Future of Women's Programs.		Hon. Yoine Goldstein	58
Hon. Céline Hervieux-Payette	45	Business of the Senate	
Hon. Marjory LeBreton	45	Hon. Tommy Banks	59
Justice		Committee of Selection	
Reinstatement of Court Challenges Program.		First Report of Committee Adopted.	
Hon. Céline Hervieux-Payette	46	Hon. Hugh Segal	60
Hon. Marjory LeBreton	46	Human Rights	
Hon. Claudette Tardif	46	Motion to Authorize Committee to Study Organization for Security	
		and Cooperation in Europe 2007 Declaration on Anti-Semitism	
		and Intolerance—Debate Adjourned.	
		Hon. Jeremiah S. Grafstein	60
		The Senate	
		Motion Urging Governor General to Fill Vacancies—	
		Debate Adjourned.	
		Hon. Wilfred P. Moore	64



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 5

OFFICIAL REPORT
(HANSARD)

Wednesday, October 24, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, October 24, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE TERM "REPUBLIC OF MACEDONIA"

Hon. Pana Merchant: Honourable senators, this Saturday on Parliament Hill, 20,000 Hellenic Canadians will gather to decry the grievous wrong imposed upon them by the recent actions of Prime Minister Harper. Symbols are crucial. Symbols of nationhood have profound resonance for every nation, and particularly for the nation of Greece, Canada's ally and the cradle of democracy.

The region of Macedonia and its name have belonged to Greece since antiquity. In naming a new sovereign state carved out of the former Yugoslavia since its breakup 16 years ago, the Government of Canada, until now, has deemed it appropriate to refrain from meddling in this symbolic issue.

The territory in question was recognized in 1993 by the United Nations as the Former Yugoslav Republic of Macedonia. The term, Former Yugoslav Republic of Macedonia, FYROM, was based on historical fact, an acknowledgement of the differences in a region characterized by centuries of turmoil.

In conformity with international practice, our Department of Foreign Affairs has referred to that territory as "FYROM." Suddenly, in Canada, we find the Prime Minister using the disputed term, "Republic of Macedonia" to describe the territory north of the Greek border. This meddling in European politics by a Canadian prime minister is unprecedented.

Many Canadians demand that the Prime Minister recognize, as the 27-member European Union recognizes, that the use of the name "Former Yugoslav Republic of Macedonia," or a new name that distinguishes that country from the Greek Province of Macedonia as a geographical entity, is the appropriate way to acknowledge the harmful challenges to Greek sovereignty.

Tens of thousands of Canadians are not only perplexed, but also infuriated with this Prime Minister's insensitive twisting and distortion of historical fact by sanctioning the use of a disputed name for that country. The Prime Minister's action not only shows disrespect for the position taken by the UN and the EU, but is also an insult and a provocation toward Canadians of Greek origin.

I call on the Prime Minister to cease this provocation and to respect the Greek diaspora in Canada.

AUTISM MONTH

Hon. Wilbert J. Keon: Honourable senators, October is Autism Month, a time to raise awareness about Autism Spectrum Disorders. ASDs include five pervasive development disorders,

the most commonly known of which are classic autism and Asperger's syndrome. As a spectrum disorder, the symptoms range from mild to severe but generally include difficulty with social skills; communication problems; behavioural issues, such as repetitive movements and restrictive interests; as well as difficulty with audio and visual processing. The ASD rate often cited for Canada is one in 166 and is found about four times more often in boys than in girls. This translates into 48,000 autistic children up to age 19 and 144,000 adults.

These individuals face many difficulties while still children. Those who are able to take part in the regular school stream are often victims of bullying. Combined with other social and academic struggles, it can be hard for them to do well in areas of strength. As adults they have a tendency toward impulsive and addictive behaviour resulting in strained relationships at home and in the workplace.

As honourable senators are aware, the Standing Senate Committee on Social Affairs, Science and Technology recently completed a study on autism entitled *Pay Now or Pay Later*. We learned how difficult life can be for families whose lives are touched by autism in some way. Senator Munson has devoted a great deal of time to the families of autistic children and has done a great deal during the summer to heighten awareness.

The Government of Canada has been supportive of efforts to overcome ASD in a number of ways with a research chair focusing on the study of treatments and interventions. As well, the Canadian Research Chair Program has 10 chairs working on related research. There is ongoing research through the Canadian Institute for Health Research, CIHR, where \$26 million has been spent since 2000. An ASD research symposium was held November 8 to 9, 2007, to provide up-to-date information and a website has been provided to the general public.

• (1340)

Indirectly, a number of programs are also supportive, such as the Pan-Canadian Health Human Resource Strategy and tax measures through the Department of Finance. As well, Human Resources and Social Development Canada has provided supportive efforts through the Social Development Partnerships Program. However, there are tremendous problems with the situation, a number of questions to be answered and a tremendous need for more research.

[Translation]

THE DOCUMENTARY *NOMAD'S LAND*

Hon. Lucie Pépin: Honourable senators, this summer, a documentary film entitled *Nomad's Land* got a lot of attention. When RDI broadcasts it on television for the first time, the film is sure to stir up controversy.

This film gives a voice to military wives. These women remind us that even though they are not members of the military, the army runs their lives, forcing them to move repeatedly and subjecting them to trying separations. These circumstances often leave them feeling isolated and vulnerable.

This is not the first time I have spoken to this chamber about the challenges that military spouses and their children grapple with. I have always admired their courage. Every time I meet one of them, I find their desire to empower themselves, despite the magnitude of the task, reassuring.

The Canadian Forces recognize the importance of stable families. Consequently, they do a lot to support the women and children living in these unique conditions. The Chief of Defence Staff Military Families Fund was created to do just that. I am sure that more initiatives will be forthcoming.

Still, any organization always has room for improvement. I believe that *Nomad's Land* will galvanize the energies needed to achieve the common goal of providing better support to military families.

It is heart-wrenching to hear these wives talk about how they suddenly found themselves alone with a baby, with neither friends nor family nearby. Staying at home makes them feel unimportant. People only pay attention to their partners in the military who are on missions. In fact, such is their discretion that people tend to forget that they exist and that they play an essential role.

As I have said before in this chamber and in other forums, we should make a greater effort to tell them how much we appreciate them and value their contributions. The other day, I heard someone say that there are four branches in the Canadian Forces: army, navy, air force, and military wives. That is so true, despite the fact that they do not wear uniforms.

By taking care of their households and supporting their husbands in the military, these wives are making their own contribution to the success of our troops. We should highlight that more often. Members of our military are able to do such excellent work because of the women who stand behind them.

Honourable senators, I encourage you to express your appreciation and support for military wives every chance you get. Do not forget that they are the fourth branch of the Canadian Forces.

[English]

ROUTINE PROCEEDINGS

INCOME TAX ACT EXCISE TAX ACT

BILL TO AMEND—FIRST READING

Hon. Charlie Watt presented Bill S-214, an Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Watt, bill placed on the Orders of the Day for second reading two days hence.

• (1345)

[Translation]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

SALE OF FEDERAL OFFICE BUILDINGS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, the Minister of Public Works and Government Services will not be surprised by my question. We learned today that two buildings in British Columbia have been removed from a sales transaction involving nine federal buildings, among the 30 buildings that will be sold off in the coming weeks. This is certainly not in the best interest of Canadians.

These two buildings were removed from the sales transaction because a Federal Court ruling handed down on September 28, 2007, ordered a halt to the transaction, because of unresolved Aboriginal land claims concerning the land on which the buildings were built.

During hearings of the Standing Committee on Aboriginal Peoples that considered leasebacks for federal buildings, it would appear that you disrupted those hearings by refusing to disclose the details of the sale of those nine buildings.

It seems that the sale, valued at more than \$1.5 billion, was concluded without the necessary preliminary analyses — such as the standard title search — and without knowing all the ins and outs of that particular transaction.

After such a blunder on the part of the government — perhaps not the minister, but people who work with him — how can we be sure that Canadians will benefit from this transaction?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for having protected me somewhat through this barrage of criticism, but I do not need her protection, because I fully support the government's actions.

First of all, as a matter of information, there are not 30 buildings involved in the sale, but rather, nine. A few weeks ago, a First Nations group in Vancouver, the Musqueam, obtained a court injunction forcing us to remove two buildings in the city of Vancouver from the sale.

All government responsibilities with regard to this sale were fulfilled, including consultation with the First Nations. It was precisely because we consulted the First Nations about these two buildings in Vancouver that they decided to exercise their rights, which, in their view, would prevent us from selling the buildings.

Therefore, we decided to withdraw these two buildings from the sales process and we will proceed with the sale of the other seven buildings.

I will also tell you, before you ask a supplementary question, that this sale will benefit taxpayers because the government is transferring the risks of ownership to the private sector.

As you know, very few businesses in Canada own their own buildings. They have entrusted them to companies specializing in building management.

The Government of Canada is transferring seven buildings but still owns more than 45. Thus, ownership of a tiny minority of these buildings will be transferred. It is advantageous for taxpayers and there should be no doubt about that.

Senator Hervieux-Payette: Honourable senators, I still do not understand why these buildings are being sold. You spoke of the transfer of risk, but I have never seen many risks associated with a building.

As far as I am concerned, proper maintenance of a building ensures its longevity. We have all noted the significant budget surpluses of the federal government. If it were 1993, when your government had a deficit of \$43 billion or \$45 billion, we might understand that the buildings were being sold to help balance the budget and ensure that obligations pertaining to the payment of salaries or other expenses were met, or to decrease debt and borrowing.

• (1350)

In the present case, thanks to good Liberal administration, the government has run a surplus for a number of years, a surplus the opposition has criticized and which is now even greater.

What is the real reason the government wants to sell these buildings? I am being told it was not 30 buildings for sale, but nine. I am also being told that other buildings will probably be put up for sale. What is the reason for this?

As far as the real estate risk is concerned, having been a part of the business world, I believe the government knows how to manage its buildings and has always known how to do so. That is why I am asking the minister to tell us why he wants to proceed with the sale of these buildings.

Senator Fortier: I have to take exception to that because the government, unfortunately, has been a very bad building administrator, all across the country. I would be pleased to give you the list of buildings that no longer have running water and others where general maintenance work was not done. The total bill for the entire real estate portfolio has now reached nearly \$4.5 billion.

Look at the private sector. You probably know that every major private corporation has sold its buildings. The banks have done that, but they have maintained ownership of the branches for strategic purposes. But the huge office towers in downtown Montreal, Toronto, Calgary and Vancouver have all been sold to corporations that specialize in building management.

This is not a partisan issue. Before I assumed my duties, your colleague Scott Brison wanted to create an income trust with 370 buildings, including museums, prisons and laboratories. None of that made any sense.

I am only talking about office buildings where expertise exists in the private sector. We are talking about selling nine buildings. I have to say, the transaction came at a good time, just before the credit crisis we witnessed this summer. Tax payers are going to get a big cheque. More importantly, honourable senators, we are transferring the real estate risk to the private sector.

By not selling these buildings, we would be keeping this real estate risk. After 25 years of mismanaging the buildings, we would end up with a structure whose only value would be in the land it was built on.

[English]

Hon. Larry W. Campbell: I do not wish to take issue with the minister but the Vancouver buildings he is speaking about have certainly been maintained and are, in fact, heritage buildings. The Sinclair Centre, for one, is probably one of the premier buildings in the city.

Honourable senators, I am not taking issue with the government selling the buildings. I am taking issue with the fact that the buildings were probably sold for \$600 million less than they were worth, according to a study from Informetrica.

Since the minister says his ministry is in debt some \$3 billion with regard to buildings, I wonder how he can afford to let buildings go for \$600 million less than their worth. The buildings were sold for \$1.64 billion; the assessed value of those buildings by Informetrica was \$2.3 billion.

Senator Fortier: I welcome that question, honourable senators. I would invite the honourable senator to review the public materials on the website. There are two studies, one jointly by the Bank of Montreal and the Royal Bank of Canada, and one by Deutsche Bank. The honourable senator will conclude, as I and the government did, that we had a tremendous auction. The price we got for the buildings in question is far higher than the valuation to which the honourable senator refers.

The buildings under question were listed at \$400 million or \$500 million on the government books. In January, an independent appraiser valued these buildings at \$1.15 billion.

Any way you peel the onion, we exceeded by far any valuation of these assets.

• (1355)

When we launched the auction, more than 11 bids came in for the assets, and I had included a condition that we wanted control to be Canadian. Had I opened it up to anyone, we could have had far more bids, and we probably would have had a better offer. We wanted the landlord to be Canadian because this landlord becomes the single most important landlord of the federal government in terms of office buildings.

Despite putting that condition in there, we exceeded everyone's high range in terms of the estimate. The honourable senator can ask experts; everyone will tell him that the government did very well with respect to its auction.

VETERANS AFFAIRS

EXTENSION OF VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. The Veterans Independence Program does not currently provide services to all surviving spouses of veterans.

The Prime Minister, when he was Leader of the Opposition, made a clear promise to extend this program. On June 28, 2005, he promised in writing that, upon forming a government, and I quote from his letter to Ms. Joyce Carter of Nova Scotia:

The Conservative government would immediately extend the Veterans Independence Program services to widows of the Second World War and Korean War veterans regardless of when the veterans passed away.

The current government was sworn into office more than 20 months ago. To date, there are no signs that this government has any plans to extend the Veterans Independence Program.

Can the Leader of the Government in the Senate confirm that the government has now abandoned its promise to extend the Veterans Independence Program?

Senator Robichaud: Someone said there is no greater fraud than a promise not kept.

Senator Tkachuk: You should know.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in view of the interjection of Senator Robichaud, so as not to give information that could be misinterpreted, I will take Senator Callbeck's question as notice.

Senator Corbin: Very wise.

Senator Callbeck: I have a supplementary question to the leader.

Over four months ago, I asked the minister roughly the same question, and it was taken as notice. Now, I would like an answer. The spouses of these veterans would also like an answer. The Prime Minister said that when he formed a government he would immediately extend these programs. This promise is in writing. I would like an answer.

Senator Grafstein: That was the new, new government.

Senator LeBreton: As the honourable senator knows, Greg Thompson, the Minister of Veterans Affairs, has undertaken many programs in support of our veterans. I remember the question vividly, and I will attempt to ascertain where the answer is to the honourable senator's specific question.

THE SENATE

FEMALE REPRESENTATION

Hon. Marcel Prud'homme: Honourable senators, I have a lot of time to read and supervise the House of Commons and the Senate. I now see that some senators would like a national referendum to abolish the Senate.

Some Hon. Senators: What senators?

Senator Prud'homme: I know that some senators would like to elect the Senate.

Some Hon. Senators: Hear, hear!

Senator Angus: Senator Fortier can conduct an auction.

Senator Prud'homme: I know that some senators would like to have an equal Senate. Some senators are reform-minded people, although, as you know, I believe strongly that if there is an institution that needs to be reformed to start with, it is the House of Commons.

Some Hon. Senators: Hear, hear!

Senator Angus: You will bundle them.

Senator Prud'homme: Having said that, will the minister again consider asking the Prime Minister of Canada to appoint immediately, in the spirit of equality, due to the fact it is difficult to elect women, due to the fact there is a lack of women in the House of Commons —

• (1400)

Senator Mitchell: Question!

Senator Prud'homme: Thank you, Senator Mitchell. I am trying to imitate you.

It was Senator Mitchell who interrupted me. He is a bad influence because when he has the floor he speaks for so long. Even I, who am very attentive, lose track of what he is saying.

The Prime Minister has the option. Perhaps honourable senators will remember the famous phrase, "You had an option." He has the option to put one house ahead of every other house in the world. Even before the next election in October 2009, if that is when it will be, we can have 53 women and 52 men in the Senate.

Will the Prime Minister consider asking women across Canada to submit names of potential appointees, maintaining his ability to choose from among them? In the meantime, we will have a debate in Calgary or Edmonton on reform of the Senate. I hope and pray that I will return in good health. I love debating, and I am back to shake up the debate.

Senator Mercer, whom we wish good luck, has presented a very good proposal to appoint more women to the Senate. Continuing in the spirit of our new colleague, Senator Brown, and his efforts to reform the Senate, I suggest that in the meantime something must be done.

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Prud'homme for the question. He said that he is imitating Senator Mitchell. Senator Mitchell is a very pale imitation of Senator Prud'homme.

The honourable senator referred to the motion placed on the Order Paper yesterday by Senator Segal. I look forward to debate on the matter from all sides of the chamber. If passed, Senator Segal's motion would serve as advice to the government, and we look forward to whatever advice the chamber decides to give us in this regard.

On the subject of filling vacancies in the Senate, I am glad that Senator Prud'homme used the word "again," because he knows that I have apprised the Prime Minister of his admonitions in this regard in the past. I can only promise Senator Prud'homme that I will again raise his concerns with the Prime Minister.

FINANCE

SASKATCHEWAN—EQUALIZATION PAYMENTS

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. Saskatchewan voters will be going to the polls on November 7. With talk of the federal government falling on a non-confidence vote following the Throne Speech, the matter of the equalization commitment has emerged as a major issue in this campaign.

Prior to the 2006 federal election, the Prime Minister stated emphatically that 100 per cent of non-renewable resource revenues would be excluded in determining the equalization calculation. The Prime Minister has now reached a side deal with Nova Scotia.

Will he do the right thing and give Saskatchewan the same consideration? Are we not an equal partner in Confederation?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for the question. My answer today will be no different than my answer in the last session of Parliament. Budget 2007 was a great budget for Saskatchewan. I do not know the extent to which this is an issue in the Saskatchewan election. I would have to consult my Saskatchewan colleagues on that.

Under Budget 2007, Saskatchewan is receiving the largest per capita gain of any province under the fiscal balance package. Restoring fiscal balance brings federal support to the province up to \$1.4 billion in 2007-08. There is \$878 million in new spending, and this funding will directly improve the lives of the people of Saskatchewan, including funding for equalization, health care and infrastructure.

• (1405)

If this is an issue in the Saskatchewan election, I hope that people who are making it an issue will point out all the benefits that have been sent Saskatchewan's way by the federal government.

Senator Peterson: Would it be possible for the government to table these calculations in this chamber so that honourable senators might be able to determine how it arrived at this number? There seems to be a significant amount of controversy as to exactly how this is being achieved.

Senator LeBreton: Honourable senators, these numbers are contained in Budget 2007.

[Translation]

PARLIAMENT

INTELLECTUAL SURVEY OF SENATORS AND MEMBERS OF PARLIAMENT

Hon. Jean Lapointe: Honourable senators, I have a supplementary question that follows on Senator Prud'homme's question. My question is for the Leader of the Government in the Senate, a charming woman, whom — as she knows — I hold in high esteem, and a very good skater, among other talents I ascribed to her last year. She skates very well. Many an NHL player should skate as fast as she does. She has been very adept at handling certain situations.

That said, honourable senators are aware that I object to Senate reform and an elected Senate. I therefore would like to ask her today whether it would be possible to administer a test to determine the IQ of the members of this chamber and the other place.

Let me just say in advance that the results in the other place would be pitiful, because the people there are a bunch of idiots. Some have talent, of course. When I was appointed by Jean Chrétien, who was then Prime Minister, I asked him whether there were as many idiots in the Senate as in Parliament, and he said, "No", fortunately. A prime minister told me that.

I ask the Leader of the Government to suggest, if she could, that we be tested. We would all pass. Senator Keon alone would put us 1,500 points ahead. Thank you.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Lapointe for the question. I believe in the last session of Parliament the honourable senator said that I was a good tap dancer and now I am a good skater. This could become quite interesting as we go along. I take note of his comments and suggestion that there be a survey. However, a survey was conducted with regard to the members in the other place and that was the general election. Therefore, far be it from me or any of us to question the wisdom of the electorate.

• (1410)

I do take Senator Lapointe's interesting suggestions, and his point. I thank him for his supplementary question.

UNITED NATIONS

DECLARATION ON THE RIGHTS
OF INDIGENOUS PEOPLE

Hon. Elizabeth Hubley: My question is for the Leader of the Government in the Senate. The present government has turned its back on the Kelowna accord. This agreement was an historical and landmark agreement for the Aboriginal peoples of this country. It promised access to adequate infrastructure, quality health care and worthwhile education. These essential elements of the agreement were meant to enable Aboriginal peoples to overcome finally the vicious circle of poverty they face. The agreement was signed by the vast majority of Aboriginal leaders. Recently, the government has taken a solo, cavalier approach to Aboriginal issues. Against the will of the provincial premiers, the present government refused to support the United Nations Declaration on the Rights of Indigenous Peoples. The UN High Commissioner for Human Rights, Louise Arbour, has confirmed that this government's position towards the resolution has been a disgrace for Canada on the international stage.

Does Canada's decision to reject this UN declaration signal an alignment of Canadian foreign policy with the Bush administration or a simple complete disregard for Canadian Aboriginal people on the part of the Prime Minister?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the senator for the question. As I have said many times in the last session, there is no such document as the Kelowna accord; it is the Kelowna press release.

With regard to the question on the text of the declaration, as the honourable senator knows, and as was the case with the previous government, the text in its current form is inconsistent with our Constitution, Supreme Court rulings, the National Defence Act and policies under which we negotiate treaties. It does not recognize our need to balance indigenous rights to lands and resources with the rights of others. It lacks clear guidance for implementation. While some say the document is aspirational and not legally binding, there could be attempts to use it in the courts and in negotiations. Its wording therefore is extremely important. No previous Canadian government, as I mentioned at the beginning, has supported the current text of the declaration.

With regard to Aboriginal peoples, our government has placed great importance on delivering tangible, concrete results for Aboriginal peoples, such as speeding up land claims. We launched a national consultation process on matrimonial real property rights for women on the reserve. The Throne Speech stated that our government remains committed to repealing section 67 of the Canadian Human Rights Act, which I would hope everyone on all sides would support, to give First Nations on reserve the same access to human rights protection as other Canadians.

I hope all opposition parties support this initiative. I am proud that our government was the one that brought a resolution to the residential schools issue; and as was stated in the Speech from the Throne, the Prime Minister will apologize on behalf of the Government of Canada.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

KELOWNA ACCORD

Hon. Elizabeth Hubley: Honourable senators, I can applaud any government's actions to promote and address the needs of our Aboriginal people, but the Kelowna accord was a rare occasion in the history of this country that gave Canadians, parliamentarians, an opportunity to move forward on issues that affected our Aboriginal people. It was an agreement endorsed by so many of those people that I feel it was a lost opportunity.

Do you plan to revive the Kelowna accord in any form? This historical and landmark agreement with the Aboriginal people of this country can help them achieve real development. Will this government continue its cavalier approach to First Nations leaders by forcing made-in-Ottawa solutions on them?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, we do not intend to re-release a press release of the previous government. The government of which I am a member, the previous Minister of Indian Affairs and Northern Development, Jim Prentice, and now Minister Chuck Strahl have worked hard to address the ongoing issues with regard to our Aboriginal peoples. In our short period of time in government, a few of the things we have done for Canada's Aboriginal people include finalizing Indian residential schools agreements; announcing an action plan to change the way specific land claims are resolved; making progress in our action plan for safe drinking water on reserves; providing \$33 million over three years to the National Association of Friendship Centres for urban Aboriginal youth programs; launching consultation on matrimonial property rights for women; and establishing on-reserve pilot projects for patient wait-time guarantees in prenatal care and diabetic care.

• (1415)

In Budget 2007, we provided funding for the Aboriginal Justice Strategy and for First Nations fisheries management on the East Coast. In addition, the Aboriginal Skills and Employment Partnership was more than doubled, and \$300 million was set aside to develop individual property ownership on reserve.

ELECTIONS CANADA

CONSERVATIVE CAMPAIGN EXPENSES

Hon. Grant Mitchell: Honourable senators, I find myself compelled to stand tall here and correct the record. I am not short, but I will confide in my colleagues that people of my size, five feet six and nine-sixteenths inches tall, will often find people of Senator Prud'homme's height to be freakishly tall. It is a pleasure to sit beside him, provided honourable senators can see me over his head and recognize me. Thank you for doing that today.

The Chief Electoral Officer has established that the Conservative Party of Canada broke the law in what has now been described widely as the in-and-out Conservative election expenses scandal. Since someone lied about \$1.2 million in national Conservative campaign expenses by putting those funds into Conservative constituency campaigns, the Conservative

Party stood to gain \$720,000 in election rebates from the taxpayer of Canada that they would not otherwise have received. I am not a lawyer, but that, honourable senators, is fraud.

My question is to the Leader of the Government in the Senate: Why is it that the Prime Minister seems to hardly be able to wait to get to his feet to talk about crime, but when it is his party that broke the law, he sits quietly on his hands and says absolutely nothing? Is it not time to get tough on Conservative crime?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I hate to disappoint the honourable senator, but the Prime Minister did respond to this yesterday. I will say much the same thing today: I dare Senator Mitchell to utter the words he used in here outside of this chamber.

Senator Comeau: Do it!

Senator LeBreton: This from a Liberal.

Senator Comeau: Sponsorship!

Senator LeBreton: Canadian taxpayers are still waiting to see, hear about or have some proof as to the \$40 million —

The Hon. the Speaker: Order! Honourable senators, the time for Question Period has expired.

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw the attention of honourable senators to the presence in the gallery of participants in the Sixth Canadian Parliamentary Seminar of the Commonwealth Parliamentary Association. On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. David Angus moved second reading of Bill S-2, to amend the Canada-United States Tax Convention Act, 1984.

He said: Honourable senators, I rise today to move second reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

[English]

I have often had the opportunity in this chamber to speak on various conventions or treaties that Canada has entered into over the years with its major trading partners, all with a view to avoiding double taxation, aiding tax enforcement and enhancing economic cooperation between the contracting parties.

[Senator Mitchell]

• (1420)

I believe Canada is party to some 89 such conventions. Just over a year ago, I spoke at second reading and acted as sponsor of Bill S-5, An Act to Implement Conventions and Protocols concluded between Canada and Ireland, Mexico and Korea for the avoidance of double tax and the prevention of fiscal evasion with respect to taxes on income. In my remarks at that time, I explained that conventions such as these are an essential element of Canada's overall comprehensive taxation system and that the Conservative government of Prime Minister Stephen Harper is committed to maintaining a well-functioning tax system and in a modern, up-to-date state. This includes ensuring that our network of international tax treaties, conventions and protocols are up-to-date and comply as fully as possible with the accepted norms presently applicable to such instruments, such as conforming to the OECD model convention.

As a result, it is not my intention today to offer repetitive details respecting the roles and the whys and wherefores of these conventions in contributing to a competitive and modern tax system for Canada. Rather, I wish to focus on the key elements of Bill S-2 and explain how it represents yet a further positive step in the upgrading, modernizing and improving of our existing international tax conventions.

Honourable senators, are well aware that our neighbour to the south is our most important and longest standing trading partner and that our economies and socioeconomic relationships are profoundly and I believe inextricably intertwined. It follows that the Canada-United States tax treaty is one of the most extensive and important of those on our books. Our first comprehensive tax convention with the U.S. was concluded in 1942, expanding on a more summary agreement first entered into in 1928.

The 1942 agreement was overhauled, modernized and replaced with a new comprehensive convention in 1980. The 1980 convention has since been amended, upgraded and fine-tuned by protocols on four occasions since its original ratification, namely in 1983, 1984, 1995 and 1997.

Bill S-2 is the fifth amending protocol. Its purpose is to implement in Canada the fifth such protocol together with two exchanges of diplomatic notes which deal with very technical issues.

The fifth protocol was signed and the diplomatic notes exchanged in an impressive ceremony at Meech Lake just over a month ago, on September 21. At that ceremony, the Honourable Jim Flaherty, Minister of Finance, represented Canada and Henry Paulson, Secretary of the Treasury, represented the United States. This signing ceremony concluded nearly 10 years of negotiations aimed at modernizing and improving the 1980 convention for the betterment of individuals, families and business on both sides of the border.

The fifth protocol has, in the interim, been scrutinized by Canadian stakeholders, such as the Canadian Tax Foundation, and I understand no opposition whatsoever has been forthcoming. Finance Department officials have assured me that the bill is not controversial and will be positively received by all interested partners and parties.

Honourable senators, I am comfortable in asserting that this legislation, which resolves a number of critical and outstanding bilateral tax issues, will also stimulate increased Canada-U.S. trade and investment and, at the same time, will make both countries' tax systems more efficient.

Honourable senators, Bill S-2 will have the effect of delivering significant benefits to Canadian individuals, families and businesses in a number of ways.

First, Bill S-2 will eliminate source-country withholding tax on cross-border interest payments. For example, a resident of Canada who borrows money from a U.S. lender will no longer have to withhold and remit Canadian tax on the interest payments.

Second, Bill S-2 will allow taxpayers to require that otherwise insoluble double tax issues be settled through arbitration. This arbitration rule is an important element of the bill because it will increase taxpayers' confidence that the tax treaty will resolve potential double taxation situations.

Third, Bill S-2 will ensure that there is no double taxation of the gains or deemed gains of emigrants from Canada. I asked the officials what that was all about. There is a law in Canada that when people leave the country and emigrate to the U.S., there is a deemed realization of their property, and there is a big tax situation, and there is also tax in their new place of residence. This bill fixes an anomaly whereby double taxation occurs in a number of circumstances.

Fourth, this bill will extend treaty benefits to limited liability companies by removing a potential impediment to cross-border investment, and this arises from private equity funds and their comings and goings.

Fifth, this bill will give mutual tax recognition to pension contributors. In other words, provided certain conditions are met, cross border commuters may deduct, for residence country tax purposes, the pension contributions they make to a plan or arrangement in the country where they work. Someone who moves temporarily from one country to the other for work reasons can, subject to certain conditions, get tax recognition in their temporary new home country for pension contributions they continue to make to their original employer's pension plan. This proposal will facilitate movement of personnel between Canada and the U.S. by removing a possible disincentive for commuters in temporary work assignments.

Sixth, this bill will clarify how stock options are taxed, or, in other words, harmonize the rules in both countries. These are complicated rules, and often there is double taxation. This area has been worked on and clarified in this bill and in this latest protocol.

Seventh, Bill S-2 will implement many technical improvements and updates.

Honourable senators, as I said a moment ago, the U.S. is Canada's closest neighbour and largest trading partner. It is only natural that we would want and do have a special relationship. The new tax convention protocol contained in Bill S-2 will enhance this relationship by proposing to update the long-standing tax agreement between Canada and the U.S. I am convinced that its benefits are clear.

In today's highly competitive global economy, we need to continually explore ways to grow, expand and compete in the global marketplace. Further improving and refining our relationship with our friends and neighbours to the south is essential. This new protocol will do just that, by providing individuals, families and businesses on both sides of the border with predictable and equitable tax results in their cross-border dealings.

More than that, honourable senators, this protocol will strengthen the bonds of economic cooperation between our two great countries. In the spirit of such cooperation, I would encourage all honourable senators to give this proposed legislation the consideration it deserves and pass it with due dispatch. I hope this bill will be referred without delay to the Standing Senate Committee on Banking, Trade and Commerce. In order to come into effect January 1, 2008 and its benefits not be delayed for a year, the bill needs to pass through the House of Commons after third reading in the Senate and receive Royal Assent by December 31, 2007.

On motion of Senator Tardif, debate adjourned.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Dennis Dawson: Honourable senators, as we say in Quebec, first the flowers, then the flowerpot. This is why, in my speech today, I will highlight the tiny bouquet — the few positives for Canadians in the Speech from the Throne — before I begin tossing brickbats — and there are many.

As a proud citizen of Quebec's national capital, I am pleased to see that the throne speech specifically mentioned the celebrations for Quebec City's 400th anniversary. I can assure the Senate that

preparations are coming along nicely. I would like to take this opportunity to invite my fellow parliamentarians to visit Quebec City in 2008.

• (1430)

I would also like to suggest that the Prime Minister take the opportunity in his meetings with dignitaries from various countries to invite them to come celebrate the French fact in North America with us. I would also note that this year, Quebec City will host the annual meeting of the Association des parlementaires francophones and the Summit of la Francophonie. The former Liberal government worked closely with the organizers of the 400th anniversary celebrations, and I hope that the Conservative government will meet the expectations of Quebecers, francophones outside Quebec, and all Canadians for this great event.

I also welcome the government's intention to monitor the federal spending power. I would point out that like my colleague, Senator Segal, I was a strong supporter of the Meech Lake Accord. The government's current proposal, though less ambitious than what was put forward at the time of the Meech Lake Accord, seems to be a step in the right direction. I am very much looking forward to its bill on this subject, and I will pass judgment later on the specific measures it contains. I would emphasize that the Liberal Party will make sure that the government has the decency to consult the provinces on this issue, which affects them directly, rather than force changes on them that they did not agree to.

I also wish to welcome the government's intention to follow through with what is known as the Dion Plan for official languages, but I would point out that intentions mean nothing unless they are accompanied by real action. The throne speech reference to an official languages strategy was extremely vague. It remains to be seen whether it meant a light version of the Dion Plan or an improved version. Unfortunately, the following statement made in 2001 by the very conservative current Prime Minister leaves considerable room for doubt:

Make no mistake. Canada is not a bilingual country. In fact it is less bilingual today than it has ever been. As a religion, bilingualism is the god that failed. It has led to no fairness, produced no unity, and cost Canadian taxpayers untold millions.

This is a quote from Stephen Harper, honourable senators. I admit that he has improved on this issue, but we cannot ignore what was said in the past.

I want every linguistic minority community in Canada to know that the Liberal Party has never hesitated to defend them and it will never stop fighting the enemies of official languages.

Now that I have handed out the bouquets, here come the brickbats!

The government should be ashamed of telling Canadians they are not well served by the Senate in its current form. I wonder whether the Prime Minister recognizes the extraordinary work the Conservative senators do in this place. I would hate to be in the shoes of my Conservative colleagues, for whom their leader seems to have no regard or recognition. I would like to remind the

Prime Minister that the Senators in this chamber, from every party, do incredible work and produce studies on matters of great importance, matters such as Canadian aid in Africa, mental health, assisted suicide, and airport security, to name a few.

What about the hundreds of amendments that are moved every year by the Senate in order to improve the bills passed in the other place? We play a very positive role. And what about the hundreds of hours of hearings held by the parliamentary committees in order to give the public a chance to have their say on the bills?

Although I am in favour of modernizing the Senate, I sincerely believe that it would be in the Prime Minister's interest to consult his provincial counterparts before moving forward with any reform. Rather than hold consultations, the Prime Minister imposes his vision and tries to slip his ideological reforms in through the back door. Quebec's Intergovernmental Affairs Minister has always said that the provinces should be consulted on this. Furthermore, when he appeared before the Special Committee on Senate Reform, he was very clear on the fact that the federal government cannot make unilateral changes to parliamentary institutions.

[English]

My friend Senator Segal has suggested a new approach — a referendum on the issue. In his speech, Senator Segal spoke to the suggested number of years for length of tenure. Last year, for example, a bill tabled in the Senate limited the tenure of senators; another bill was tabled in the House of Commons. That approach indicates a failure because, if the Prime Minister had been serious about the issue, he would have consulted with the provinces and tabled one bill with the cooperation of everyone. If that was considered an unsuccessful attempt, it was an unsuccessful attempt by the government, not this place.

[Translation]

In the Speech from the Throne, the government promised another GST cut. But who will benefit the most from this measure? As we all know, 1 per cent less on bread and milk does not add up to much, but 1 per cent less on a luxury car or on a construction project would make quite a difference. I would remind the Senate that, while the government cut the GST by 1 per cent, it increased income tax for the poorest families.

Several points in this Speech from the Throne left me disappointed, but it was definitely what was missing, what should have been there, that upset me the most. If I may, honourable senators, I would like to give you a few examples of what is not in the Speech from the Throne. It is missing measures for women's equality, the reinstatement of the Court Challenges program, measures to ensure that the French language is once again given its rightful status in the Canadian army, a firm commitment concerning the Kyoto Protocol and measures to effectively fight poverty and social exclusion.

I am very disappointed with the absence from the throne speech of any measures for, and nothing more than a mention of, the issue of women's equality. I am well aware that the Conservatives have never been the most ardent defenders of women's rights, but there must be a limit.

During the previous Parliament, this government cut the operating budget of Status of Women Canada by nearly 40 per cent and removed the word “equality” from the Women’s Program. How can Canadian women place their trust in a government that does nothing to improve their situation?

Not only did this government cut funding to groups that defend women’s rights, but it also refused to pass federal legislation on pay equity, for which many women’s groups have been calling. I would like to remind all Canadians, particularly the Conservatives, that women earn only 71 cents for every dollar earned by men for the same work. Honourable senators, this reality is unacceptable in 2007. What is this government waiting for to take action and finally introduce proactive pay-equity legislation and restore funding to groups that defend women’s rights? The Prime Minister must know that equality before the law is not synonymous with equality in reality and that women in this country deserve the support of their government to fully achieve real equality.

Honourable senators, eliminating the Court Challenges Program for ideological reasons was a very bad idea on the part of this Conservative government. I would have thought that with the frustration and the protests coming from many groups that defend the interests of women, linguistic minorities, religious minorities, sexual minorities and others, this Conservative government would eventually realize what a monumental mistake it had made and would revive this program, which Canada badly needs.

The saving of the Montfort Hospital in Ottawa is the perfect example of why this program is needed. I do not have to go into detail about what happened, because everyone in this chamber knows the story of the Montfort Hospital. The important thing to remember is that Franco-Ontarians fought hard to keep the only francophone hospital in Ottawa and that funding from the Court Challenges Program was vital to their struggle. Without that funding, Franco-Ontarians likely would not have access to the same quality of service in their mother tongue, here in the nation’s capital.

Not only does this program serve people’s interests, but it also enhances jurisprudence and law in Canada. This government should be ashamed of abandoning a portion of the population. I would again remind the Prime Minister that equality in law does not always mean equality in fact.

I would like to say a word about bilingualism in the army. I was astounded that this government tried to undermine French in Canadian public institutions during the last session. The new language policy of the Department of National Defence takes the Canadian Forces back 40 years. Under this policy, senior officers of only half the units will be required to be bilingual, whereas the former policy required that all high-ranking officers be bilingual. In practice, this means that our soldiers can communicate in French in francophone and bilingual units only and no longer in all units, as they could previously.

I hope that the government will reverse its decision and give French back its rightful place in the Canadian Forces. Canada is a bilingual country, honourable senators, and my francophone compatriots have the right to be treated with dignity and respect by the country they are risking their lives for.

With regard to the environment, I certainly have no reason to congratulate this government. Since it came to power, it has eliminated programs to fight climate change and has undermined Canada’s credibility and leadership on the world stage, something the previous Liberal government and my leader, the member for Saint-Laurent—Cartierville, had established.

Of course, this government, which is more concerned about partisan polls than the interests of Canadians, had to rethink its ideological cuts and recreate those programs a few months later with new names, less stringent targets and much lower budgets.

• (1440)

Canadians are not fools. They know the importance of effectively fighting climate change and they know that this government is not doing enough to protect the environment. While the Conservatives are wasting Canadians’ time in the fight against climate change, the Liberal opposition has not given up.

My colleague, the member for Honoré-Mercier, introduced Bill C-288, forcing Canada to meet its commitments under the Kyoto Protocol.

[English]

Our colleague, Senator Mitchell, did a wonderful job on the bill here in the house, and I want to congratulate him on that.

[Translation]

I gave him my full support in his attempt to serve the interests of my fellow citizens, who rightfully want the Government of Canada to take action to protect the living conditions of future generations.

The residents of Quebec City regularly ask me to take action and to be proactive in the matter of climate change. But the government takes no notice.

Although Bill C-288 was passed by the three opposition parties, the government continues to refuse to put in place effective measures that will enable Canada to attain the Kyoto protocol targets and thus regain its credibility in the international community in this regard. How can citizens trust a government that does not even respect the laws democratically adopted by Parliament? That is shameful!

I have kept for last a subject that deeply touches me as a human being and a father, and that is poverty. Every day on my way to work I see with my own eyes the poverty of certain individuals. Many people of all ages, who do not have a roof over their heads or food to eat, must beg. It is not acceptable that a society as prosperous as ours allows individuals to live in such miserable circumstances.

It is true that Canada’s economy is doing well, but not everyone benefits. For example, in many large cities, the cost of living has increased considerably in the past few years and these increases have outstripped many families’ resources. The federal government has a number of tools available to fight poverty. Why is it not using them?

I am very sad that this was mentioned only briefly in the Speech from the Throne, and that no specific commitment was made. The fight against poverty should be a priority for all parties. Canadians are full citizens. None of them should be overlooked by their government.

In conclusion, I would once again like to remind Canadians that I am not concerned about what is in the throne speech, but what is not in it. The Liberal Party will work very hard to make the current government take action to ensure full equality for women, to reinstate the Court Challenges program, to ensure that French has its rightful place in all spheres of Canadian society, to fight climate change, and to implement effective measures to considerably improve the living conditions of the less fortunate.

[English]

Hon. Hugh Segal: Would my honourable friend take a question?

Senator Dawson: I would be surprised if the honourable senator did not ask one.

[Translation]

Senator Segal: My question relates to what my colleague from Quebec said about public consultations via a referendum on the future of the Senate. Let us take for granted the established principle that any constitutional change affecting the Senate of Canada requires dialogue among provincial premiers, governments and legislatures. Does the honourable senator support the idea of public dialogue, or is he opposed to it — on the basis of principles that I am sure I can understand?

Senator Dawson: I am sure that I will have an opportunity to comment on the honourable senator's motion. However, I think it is worth noting that, in your analysis of the situation, you mentioned failures.

I think that the government and the political parties can make a renewed attempt at dialogue through consultations with the provinces. We were just days away from reaching an agreement on the Meech Lake Accord. Although it would not have settled the matter of an equal, elected Senate, the accord would have resolved a number of issues for the long term. The provinces would have been satisfied with that kind of progress.

I am asking the government to do what it has avoided doing for a year and a half: convene the provincial premiers and initiate talks. They are our partners and we owe our existence to them. As such, we should work with them, with or without a referendum.

Quebec has held a number of referendums, all of which have produced divided results. We cannot create unity by polarizing people's opinions.

Even if a referendum is held, would 50 per cent plus one choose an elected Senate? Perhaps. But would we have made any progress on the issue? I do not think so. We would still come up against a major obstacle: Canada's Constitution.

Hon. Serge Joyal: Will the honourable senator take one question?

Senator Dawson: Of course.

The Hon. the Speaker: Unfortunately, I must inform you that Senator Dawson's time is up. Would he like to ask for five more minutes?

Senator Dawson: Yes, please.

Senator Joyal: Honourable senators, my question is on the introductory part of Senator Dawson's speech when he made reference to the celebrations to commemorate the 400th anniversary of the founding of Quebec City. To that end, I would like to quote from the Speech from the Throne:

Next year we mark important anniversaries spanning our country and its history. We will celebrate the 400th anniversary of the founding of Quebec City. Canada was born in French.

I was listening to what the honourable senator had to say. Is the Speech from the Throne not ambiguous as to what we are celebrating in 2008?

On October 8, two weeks ago, the French foreign affairs minister said during a press conference in Paris:

In 2008, we will celebrate the founding of Quebec City and the creation of Canada.

I get the impression that in public speeches we are dissociating these two elements and making this simply a celebration of the founding of Quebec City. Obviously when Samuel de Champlain settled in Quebec City in 1608 it was not to found a city; it was to stake a claim on the continent in the name of the king of France, and the French colonial empire covered three quarters of North America and the United States. Furthermore, Prime Minister Harper was very clear, when it came to the Canadian government taking part in the 400th anniversary activities, that this should also be done from a Canadian perspective.

Does the senator realize that his comments perpetuate the ambiguity I see in the Speech from the Throne and that, in fact, we will not be celebrating the 400th anniversary of Canada at this time?

Senator Dawson: The senator is probably right. I could take another look at that part of the speech.

There is a conflict. When the previous Canadian government negotiated with its municipal and provincial partners on the structure of the 400th anniversary ceremonies, it was the federal government's idea to say that we would also be celebrating Canada's anniversary.

It is my understanding from certain members of the Conservative Party in the other place that there may be some ambiguity. Indeed, we are celebrating Quebec City, New France and the arrival of the French in North America.

In the eyes of the Canadian government, the biggest partner in this event, this occasion has always also been a celebration of Canada. However, I could have corrected my remarks and I will certainly ask the Prime Minister to correct his.

Hon. Fernand Robichaud: I would like to remind honourable senators that the French had arrived in Acadia a few years earlier. The Acadians already celebrated their 400th anniversary in 2004.

On motion of Senator Fraser, debate adjourned.

• (1450)

[English]

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Segal*)

He said: Honourable senators, a little more than one year ago I introduced a motion in this chamber urging the government to bring into force a section of the Public Safety Act that would provide some level of job protection for the Canadian women and men who volunteer to train and serve with the Canadian Forces Reserve. A little less than one year ago, that motion was passed unanimously by both sides of this chamber. On behalf of all members of the Canadian Forces Reserve, I want to express our appreciation for the vote that took place at that time.

Since that time, the Government of Canada has made attempts to mitigate the inequity suffered by those who choose to train and serve alongside regular Canadian Forces but in some situations are fearful of doing so because they might return to the civilian unemployment line after their service. Jean-Pierre Blackburn, Minister of Labour, and Rona Ambrose, Minister of Intergovernmental Affairs, are meeting with provincial counterparts to look at ways to legislate job protection for reserve force members at the provincial level. Currently, three Canadian provinces — Nova Scotia, Manitoba and Saskatchewan — have such protection. The Prime Minister personally made the request to Premier Robert Ghiz in Prince Edward Island. That province, as well as Newfoundland and Labrador, have committed to making these legislative changes as well. This consultation is welcome and necessary because something must be done quickly considering the nature of our current NATO commitments. The consultation is also coming after the highly publicized case of a reserve forces major in Newfoundland and Labrador who returned from Afghanistan to civilian unemployment. This issue was also addressed in the Throne Speech being debated by this chamber, proof that the government recognizes the inequities and intends to address the situation.

No one is naive, and we know that legislating such protection will require coordination among many government departments, as well as the provinces. However, I believe it is incumbent upon the federal government to lead by example. It is for this reason that I introduced Bill S-202, to ensure that a quick first step is taken for those serving with the Canadian Reserve Forces and that they are supported at the federal level when they return to their civilian working lives in the federal public service, in Crown corporations and in corporations regulated by the federal Crown. As their representatives and legislators, it is the least all of us can

do. We can ask them to serve this country, but if they are to be separated from family and if they put their lives on the line, how can we do so without providing them with some peace of mind with respect to their jobs? Honourable senators, it is the right thing to do.

There are currently more than 33,000 reservists across Canada; 2,500 of them are on active duty and more than 300 are working and fighting alongside our regular forces in Afghanistan. Here in Canada, they have on many occasions come to the aid of Canadians in times of homegrown crises — the Winnipeg and Saguenay floods and the ice storm of 1998, to name a few. As one who experienced first-hand the six days of darkness and cold in the 1998 ice storm, I was thankful, as was my wife, daughter and our neighbours, of the assistance provided by the reserve forces in Kingston, Trenton and Brockville in our defence.

The reality of a reservist's situation is that training and active-duty deployment can keep him or her away from a civilian job for up to one year. The Canadian Forces readily admits that their jobs would be more difficult, if not impossible in some situations, without the backing and supplementing provided by the reserves, Afghanistan being the most obvious. However, how many reservists are, or were, unable or unwilling to volunteer for this mission for fear of unemployment upon their return — the inability to provide for themselves or their families? The federal government departments and agencies should be the leaders in facilitating such a guarantee. However, honourable senators, this is not the current case. Bill S-202 would make it the case.

One would think that federal government departments would be the first to understand and attempt to accommodate reservists in training or deployment situations. I thought so as well, until I was told of a young man who was informed by his superior that should he volunteer for active duty in Afghanistan, something for which he had planned and trained, his civilian position would need to be filled, not only during his absence but permanently. He would lose his seniority, his benefits and would need to reapply for a position upon his return. His superior did promise him, however, a favourable reference upon reapplication. Honourable senators, this young man worked in a clerical capacity on a Canadian Forces base in this country.

The arguments against legislated job protection for reservists are exactly the same arguments put forward when legislation was introduced regarding maternity leave and, more recently, parental leave and compassionate leave. Will employers even consider hiring a woman of child-bearing age? Will employers even consider hiring a reservist who may volunteer for active duty? How can an employer provide job protection for a parent wanting to stay home with a newborn for up to one year? How can an employer provide job protection for an individual who may require a leave of absence to train and serve for up to one year? In today's world, the notion that it would be acceptable to tell a woman that, unfortunately, if she is unable to return to her position within a week or two of giving birth, she will be replaced, would be utterly unthinkable. In today's world, the notion that it would be acceptable to tell employees that they will be replaced if they take six weeks off to care for a dying parent is unthinkable. In my world, in the world I think we all want to share, I would like these same improbable reactions to apply to a Canadian Forces Reservist who has volunteered to serve his or her country. Based on this chamber's response to the first motion, I would like to think that all sides would concur for the rapid passage of Bill S-202.

Canadian Forces Reservists are standing alongside regular force members. To do this, they must request leaves of absence and rely on the goodwill and understanding of employers to hold their positions during training and service in overseas missions — for months, if necessary. Unfortunately, some employers, including federal government employers, are less than enthusiastic about their employees' requests for unpaid leaves. Unfortunately, some of these same members are falling alongside regular forces when the casualty count comes in. Little enthusiasm for job protection by some employers pales against the reality of the situation for some reserve force members.

Bill S-202 will eliminate the need for goodwill at the federal level and will amend the Canada Labour Code to provide job protection for reserve force members who have been employed for six consecutive months and then request a leave of absence to a maximum of 12 months. Bill S-202 will also amend the Public Service Labour Relations Act and mandate job protection for reservists in every department, Crown corporation or entity covered by this act.

Finally, Bill S-202 will amend the Department of Public Works and Government Services Act to mandate that every contract for the supply of goods or services to the federal government include the amendment to the Canada Labour Code provision directly in the contract. In short, by this legislation, any company or corporation wanting to do business with the federal government will be required to provide the same job protection for reservists as is required by the federal government itself. We cannot mandate requirements of job protection for reservists at the federal level without making this protection a statutory requirement for those wishing to do business with the Crown.

Some naysayers will argue that some applicants will be deprived of employment opportunities because companies will cease hiring people who are of an age and capacity to join our reserves. However, as with maternity or parental leave and a host of other important labour standards, we have a long list of legislative changes made in the interest of a humane and caring society. Yes, there is always some resistance in the beginning, but as with previous legislative changes, that legislation tends to effect a cultural shift. It will become apparent that leaving people out of an employment option because those people might be loyal enough to want to join the reserves will become socially and economically unacceptable. National security and national defence are public goods to be protected by all of us in this chamber.

Many industrialized nations have passed legislation to protect reservists.

• (1500)

The United States, Great Britain, France, Belgium, Spain and Australia have all taken a principled stand on this issue. These countries provide reservists a right to return to their civilian jobs after their military service without a loss of benefits or a break in seniority, and they provide reservists with protection against discrimination or retaliation in their workplace. The methods and legislation they use to achieve this end can be studied at length in committee, should this chamber see fit to move Bill S-202 forward.

[Senator Segal]

The issue of job protection for reservists has been the subject of discussion for many years. It was supported at length in the 1995 Special Commission on the Restructuring of the Reserves and the 2005 Commission on the Restructuring of the Reserves. With our commitments now overstretching our Armed Forces and the need for even more reservists to enter active duty, it should be our mandate as parliamentarians to provide incentives and do whatever is possible to support those who wish to volunteer. This discussion has gone on for more than 20 years, honourable senators. How many times must we reach the same conclusions? Members of Canada's reserve forces, who serve this country bravely at home and abroad, deserve meaningful job protection. This chamber has the capacity to advance this cause.

The work done by the Canadian Forces Liaison Council in support of the Department of National Defence in the absence of job protection legislation by educating employers, promoting support of reservists and outlining the advantage of hiring reservists is welcome and admirable. When necessary, the council also attempts to mediate employment situations to allow for job security or unpaid leave — all worthwhile efforts — and I am grateful that such an organization exists, but in a civil and civilized Canadian society, we should not have to “negotiate” and “educate” employers regarding the right thing to do where their employees, who are willing to serve their country and their communities and co-workers, are concerned. I would rather begin with the premise that we have legislation in place establishing a clear obligation on the matter, and if corporations and others want to engage on how to manage some of these issues, whether there are tax or other considerations that must be put in place, that would be a fair discussion. However, it is fundamental, certainly in those areas governed by federal legislation, that we have a clear and precise statutory position.

I ask honourable senators to consider the merits of Bill S-202 and through discussion and amendment in committee, if necessary, to enact this bill into law and send it to the other place so that the Government of Canada can become a leader by example.

Hon. Roméo Antonius Dallaire: Would the honourable senator accept a question?

Senator Segal: Certainly.

Senator Dallaire: I have three children, all in the reserves, one of whom is off to Sierra Leone on call-out for six months. I am most interested in this subject. I know the honourable senator is an honorary captain in the naval reserve. As many reservists are students, their academic studies will be affected by this bill, as well as those who are working. Has the honourable senator had an opportunity to speak to the troops in this regard? If so, could he offer us an indication as to the sentiments of the troops in regard to this initiative?

Senator Segal: I thank the honourable senator for the question.

In order that honourable senators are comfortable with regard to the issue of conflict of interest, I am an unpaid honorary captain of the Canadian navy and not associated particularly with the reserves. I would not qualify for the primary reserves, based on physical fitness requirements alone. Thank goodness our Armed Forces have minimal standards, and I respect those.

I have had a chance to meet with various heads of different reserve organizations across the country on this issue. They all take the position that when a young person has trained and is prepared to serve abroad and volunteers, then the local commanding officer must make a recommendation as to whether the soldier, airman or seaman is able to serve and should be allowed to serve. One of the things they take into consideration is the economic circumstance of the young woman or man who has so volunteered. While it is understandable that in the private sector small companies and others may have difficulties with long absences, it would be incomprehensible if a federal government department had a capricious response.

Some local bank managers may say, "By all means, go forward and serve; God bless you," and others will say, "I cannot have a vacant spot here. I do not have a lot of staff. We will have to fill the position and when you come back, who knows, there may or may not be work." That would affect the young person's capacity to make that volunteering decision.

While we all respect the difficulties of small business, and we do not wish them to be unduly pressured in the circumstance, and while we are not in the circumstance of a national emergency, which is another option the government has — God forbid if we ever get to that point — we can set an example as the federal government.

If the federal government offices were to have a policy in places such as Kingston, Moncton or Windsor, this would also become a competitive factor for other offices that compete for employees to adopt. Most to whom I have spoken believe that this proposed legislation would aid them immensely in recruiting and facilitating young people who wish to volunteer for service, and not only with respect to a foreign theatre of war. For example, the navy has sent people from the Maritimes to B.C. to assist with flood coordination activities that may be necessary on Vancouver Island. These are young men and women who volunteered from within their reserve units to be so dispatched.

They happened to be all right in terms of employment, but that is a willy-nilly circumstance for which there is no guarantee. Bill S-202 is asking that the federal government set an example by creating a policy that if the reservist has been employed for six months, and he or she volunteers for Afghanistan or any other long assignment, their job or a job equivalent to what they are leaving will be protected until their return. The cost of that, in my judgment, with respect to the federal government, would be almost inconsequential.

Senator Dallaire: The federal government has historically been one of the worst employers in terms of protecting and supporting the reserves. I am an honorary colonel also, but I have a medical reason for not necessarily serving in a higher authority.

On motion of Senator Dallaire, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-210, *An Act to amend the Criminal Code (suicide bombings)*.—(*Honourable Senator Grafstein*)

He said: Honourable senators, once again I will reiterate what I have said in the Senate in the past and I say to the new senator from Alberta: Things take a long time here. We can repeat things until we get a measure of water through this complicated dike called the Senate. It will be beneficial for the honourable senator to learn about the difficulties of getting a good idea approved by the Senate chamber.

Bill S-210 was placed on the Order Paper in October 2005. The bill died on the Order Paper when the Thirty-eighth Parliament was dissolved on November 29, 2005. It died again when I reintroduced it at the second session of the Thirty-ninth Parliament on September 14, 2007. It has been on the Order Paper for some years and it has now died three times.

The last time I was able to get the bill to the Standing Senate Committee on Legal and Constitutional Affairs there was support from both sides of this chamber. Here we are, back at it again. For the purposes of the record, I will reiterate some of the arguments.

Honourable senators will recall that this proposed legislation began as Bill S-43, then Bill S-206, and is now Bill S-210. This simple amendment clarifies the explicit gap in the language of section 83.01 of the Criminal Code. The proposal is to amend that section, after subsection (1.1), by the following small amendment:

For greater certainty, a suicide bombing comes within paragraphs (a) and (b) of the definition "terrorist activity" in subsection (1).

This is a definitional clause to include suicide bombing explicitly in the Criminal Code.

• (1510)

It will establish suicide bombing, per se, the very words, as a criminal offence.

This bill, honourable senators, goes to the very nature and the purpose of the criminal law. This will be a rather lengthy exposé about, in my view, the purposes of the criminal law and the purposes of the role of senators, because we are lawmakers.

Law and Canada, honourable senators, are inseparable. This bill goes to the very purpose of criminal law, and Honourable Senator Brown, the purpose of this chamber is to create laws. That is the heart of our business.

In 1908, the great English author Rudyard Kipling, on a visit to Canada, wrote to his family his impressions of Canada and Canadians. Here is a quotation from that letter:

The law in Canada exists and is administered, not as a surprise, a joke, a favour or a bribe . . . but as an integral part of the national character — no more to be forgotten or talked about than trousers.

Earlier, in 1861, John Anderson, a fugitive slave being discharged for murder by the Court of the Common Pleas in Upper Canada, said — and I quote: "I have never known that there was so much law in the world as I find in Canada."

The late Robertson Davies, in his 1954 masterpiece, *Leaven of Malice*, wrote these words: "Never go to the law for simple vengeance, that is not what the law is for. Redress, yes; vengeance, no."

In 1960, the Right Honourable Lester Bowles Pearson, a mentor of this senator and some others in this chamber, spoke these words in the House of Commons Debates:

Incorruptible and respected Courts, enforcing laws made by free men in Parliament assembled and dealing with specific matters and, with specific sanctions to enforce their observance; these are the best guarantees of our rights and liberties. This is the tried and tested British way, and is the better course to follow than the mere pious affirmation of general principles to which some political societies are addicted.

The paramount purpose of our working Parliament is no more and no less than to make laws. That is what Parliament does. Parliament transforms experience into principles, and these principles into explicit laws. We make laws and we administer the execution of those laws, especially criminal laws. Parliament has exclusive oversight of the criminal law power, and this power is tied to the question of freedom, liberty and security, which are the organizing principles at the heart of federal governance. Criminal laws are Parliament's definition of our civilization's standards of conduct and care. To fall below these standards of care by unwanted conduct is to invite penalties, prompting state action and, more important, to provide a clear warning against unwanted conduct. Ultimately, criminal law seeks to prevent and ostracize egregious conduct and, hopefully, in the process, to transform the attitude and intentions of those who practise such conduct. It is to transform public opinion, public conduct and private conduct.

Ignorance of the law is no excuse. All citizens are presumed to know the law. A fortiori, there is a clear and present obligation of Parliament to ensure that the criminal laws are clear and lucid, especially because of its criminal consequences. To deprive a person of his liberty because of precipitous or unwanted conduct requires lucidity of the highest order. That is why common jargon, phrases and parlance have been picked up specifically in our Criminal Code, and other criminal law, for example, in England, like "kidnapping," "murder" and "theft." We took common parlance and moved it explicitly into the code so the public would not be confused.

The Criminal Code is bound up in the protection and security of people and property. Two of the Tablets of the Covenant, Moses' Ten Commandments, are clear and simple: "Thou shalt not kill," and "Thou shalt not steal." Words are as important as the laws themselves. Laws rest on practice, moral principles and clarity. Natural laws float above the normative laws. Natural laws encapsulate moral principles. The normative laws draw upon natural laws and specify the moral offences enforcement with particularity and precision, hence the high onus of proof and the high presumption of innocence when offensive conduct results in loss of liberty.

[Senator Grafstein]

Therefore, at the core of the debate of this bill lies the core of our culture, our civilization — the reverence for life and the sanctity of life rather than the promotion of a cult of death. Put another way, criminal law purpose is to unify normative principles and social standards. As the great judge Oliver Wendell Holmes once put it, "no grand principle is worth a damn unless it is applied to specific cases."

Let me turn to the specific question of suicide bombing.

Both suicides and bombing of innocents are condemned in the Old Testament, the New Testament and, surprisingly, the Quran itself.

Let me quote from the website of the Iraq Foundation: "Suicide bombing is a terrorist activity." Therefore, on their website, they support the predecessor of this bill, Bill S-206. It is on their website. By the way, I did not know about this website until it was brought to my attention

The website goes on to say the following, and it is all set out on the website:

We, the undersigned, support and seek your support for Senate Bill S-206, which amends Section 83.01 of the Criminal Code to ensure suicide bombing is clearly within the definition of "terrorist activity".

It goes on to say the following:

Suicide bombing has become an all too frequent practice in many countries throughout the world. Thousands of civilians are killed and maimed to advance a cause based on falsely implanted expectations of glory and martyrdom. We say no cause can justify suicide bombing.

So says the Iraq Foundation:

Bill S-206 aims beyond those who trap explosives to their bodies and look where they can cause maximum pain, suffering, death and dismemberment. It will help focus on those who promote terrorism by teaching, organizing and financing the killers in the names of ill-conceived ideology, distorted belief or abhorrent political conviction. This amendment will assist law enforcement agencies to pursue the individuals promoting their heinous tactic.

Penal statutes must unambiguously state which actions are criminalized. Rather than assuming that suicide bombing is currently covered by implication in the Code, this amendment specifies suicide bombing as prohibited terrorist activity.

Those words also came from the Iraq Foundation.

Arnold Toynbee, in his magnificent work, *A Study of History*, is dedicated to a perceptive analysis of the rise and fall of civilizations. In his book, he traces the characteristics that led to the disintegration of a civilization. He examines what he calls the schism in the body social and the collective experience. Then he examines the "outward and visible sign of inward and spiritual rift" resulting from this internal inner schism.

Toynbee explores this underlying schism in society that is characteristic of a disintegrating civilization. He looks deeper into what he calls "the schism in the souls of members of a disintegrating society," the individual members of sect societies. He notes that, in the disintegration phase of civilizations, individuals are split between active and passive substitutes for action, neither of which is creative. These choices of personal behaviour become "more rigid in their limitation, more extreme in their divergence and more momentous in their consequences." A society unravels, Toynbee notes, when an individual looks at his failed or failing society, his disintegrating society, and becomes a "truant" and turns to so-called martyrdom. It is a way of stepping beyond the current malaise of his fragmenting society, rather much like a soldier who no longer seeks to minimize the risk to his life while inflicting damage on the other. Instead of this course, the "truant" from society, as Toynbee says, chooses to court death to take the offensive in the face of manifest moral defeat, decay and drift.

• (1520)

Having failed to reform his own society and cultural environment, the suicide now seeks to master his own self. This action of abandonment and truancy are "simply products of the vice of cowardice." So the divided soul chooses martyrdom "and in psychology more than half a suicide." The "truant" is, in modern jargon, an "escapist." "A 'truant's' motives are buried in ignominious oblivion, a profound sense of drift." Toynbee then concludes that "the pain is the punishment for the sin of idolatry worshipping the creature rather than the Creator."

The problem of suicide bombing goes beyond martyrdom when the suicide intentionally targets other innocent lives as a measure of success and thus promotes the cult of death, overriding the reverence for life, including his own.

Roscoe Pound, a leading American teacher and writer on the philosophy of law, in his magnum opus *An Introduction to the Philosophy of Law*, defined 12 organizing ideas of law from ancient times to the present, from Mosaic law to Hammurabi Code to Greek, Roman law to Medieval law of the theologians, to the origins of social then economic justice. The common thread, the organizing idea of the rule of law throughout the ages, progressively incorporated principles that allowed for the greater political freedom and security of the individual aligned with reciprocal duties to refrain from aggressive violent conduct towards others that would limit, in the extreme case of suicide bombings, to end innocent human life. This is a brilliant analysis.

Reverence for life is a lynchpin of all religions and the keystone of the rule of law. All our laws are wrapped around this central idea.

Honourable senators, I raise the question because suicide bombing cuts contrary to the essence of our concept of civilization and our reverence for life.

There are two arguments against this amendment. First, the notion of criminalization of suicide bombing is already implicit in the criminal law, by other words; so have said some of the critics. I return to my original thesis. The criminal law should and must incorporate accepted and clear-headed words that emerge from common usage in order to enhance the clarity of the criminal law in the public mind. The express operative precautionary words in the amendment are for "greater clarity".

In the Ouimet report, the Report of the Canadian Committee on Corrections, *Towards Unity: Criminal Justice and Corrections 1969* said this:

No conduct should be defined as criminal unless it represents a serious threat to society, and unless the act cannot be dealt with through other social or legal means.

So it is accepted by the Law Commission of Canada that the criminal law ought to be "pruned" to differentiate between what it calls "real crimes." "To count as a real crime an act must be morally wrong. . . The real criminal law should be confined to wrongful acts seriously threatening and infringing fundamental social values."

Honourable senators, I am directing my comments to this particular bill, but these comments and principles have wider significance because of the other criminal justice measures that shortly will be before the Standing Senate Committee on Legal and Constitutional Affairs.

The second argument against this bill, more vague and inexact, is that this amendment would somehow dilute the application of international law as illustrated in international resolutions or treaties. Allow me to address this later argument.

Pacta sunt servanda — that is Latin — meaning that agreements must be honoured. This maxim from Roman law is presupposed to be the organizing principle of international law. Unfortunately, in international law the principle and the practice diverge. This principle has not been observed nor has it been practised. What then is the relationship between treaty law and domestic law?

The aim is the same, but the practice of enforcement obviously is different. International law has no direct enforcement mechanism other than the International Court of Justice, with its limited mandate, funding and access. The articles of the UN charter empower the Security Council to enforce its resolutions.

I will not belabour a self-evident proposition other than to say that the UN actions of enforcement have been episodic, inconsistent and highly politicized. Politics rather than justice, equality and the rule of law have governed its enforcement practices. Enforcement depends on a coalition of the willing. The Security Council has politically polarized itself on issues of enforcement contrary to the hopes of the architects of the UN charter, including our late and revered former prime minister, Lester Bowles Pearson, and probably the greatest foreign minister we ever had, the late and very honourable Louis St. Laurent.

Observers such as the late Senator Moynihan, in his brilliant book *On the Law of Nations*, argue that enforcement of the international rule of law by one state unilaterally is ineffective, especially when politically renounced by other states. This, of course, was not the intention of the fathers of the UN, especially Canada.

So we are in a no-man's land of good intentions when it comes to international law. The best way to address this chasm of enforcement is to establish and enforce domestic legislation — hence this amendment.

When Senator Eggleton first approached me on the subject, it was his view, and that of an outstanding Canadian, the former Justice Bromstein, that we should pass a resolution in this chamber. I concluded that that would not, in any way, shape or form, enhance the situation in Canada. The only way to enhance the situation in Canada would be by an amendment to our Criminal Code. I think that Senator Eggleton and Mr. Justice Bromstein agreed with that, and hence this amendment.

Senator Moynihan argued that the canons of international law are thought to be normal, necessary and satisfactory, so the international law and domestic law converge in the same objectives: renunciation of aggressive violence against innocent individuals with the political purpose to sow terror in democratic states to retard the growth of freedom, liberty, stability and, above all, the security of the individual and the reverence for life.

Death is the most serious crime that can be inflicted on a person and thus carries the harshest penalties in criminal law — so says the Law Commission of Canada; so says our Criminal Code. To leave an express void in our domestic criminal law against acts of suicide bombers is neither salutary nor celebratory for the peace, order and good government of Canada. Canada can lead the way internationally in its express criminal law to suffocate and hopefully eradicate suicide bombing as a weapon of choice for whatever purpose.

Honourable senators, I will not belabour the point any further, other than to say that a resolution encapsulating calls for addressing in law suicide bombing has been consistently passed at the OSCE. Senator Di Nino is the chairman of our delegation and he will affirm that. At meeting after meeting, the 56 democratic states of the world, the largest international human rights organization in the world, have passed resolution after resolution condemning suicide bombing and recommending that it be passed in domestic legislation.

This is not simply a whim of Senator Eggleton, Justice Bromstein or me. This has great support of 56 other nations.

There they have difficulty because they say they want to propose this as a “crime against humanity.” I argued earlier that the idea is to make it much more specific, congruent and coherent as it applies to our own domestic laws.

As I said, this amendment fully accords with Jewish, Christian and Muslim teachings against the intentional homicide of innocent persons by persons committing suicide by their tragic action.

Honourable senators may recall that on July 18, 2005, in response to suicide bombing in London on July 7, more than 500 British Muslim religious leaders and scholars offered condolences to the families and victims and issued a fatwa which stated that the use of violence and the destruction of innocence lives are vehemently prohibited. This fatwa was proclaimed by the British Muslim Forum outside the British Houses of Parliament. The Secretary-General of that organization, the BMF, Mr. Gul Mohammad, quoted from the Quran as follows:

Whoever kills a human being . . . then it is as though he has killed all mankind; and whoever saves a human life it is as though he has saved all mankind.”

He then quoted from the Quran, Surah al-Maidah paragraph 5, verse 32:

Islam’s position is clear and unequivocal: murder of one soul is the murder of the whole of humanity; he who shows no respect for human life is an enemy of humanity.

Approximately 50 Muslim leaders and scholars from around the U.K. stood together outside the Houses of Parliament to support Mr. Gul Mohammad as he publicly read out that fatwa.

• (1530)

In a separate statement, the British Muslim Forum, with nearly 300 mosques in the U.K. affiliated to it, noted that this fatwa would be read out in all mosques across Britain on July 22, 2005, which it was. This public statement also stated: “We pray for the defeat of extremism and terrorism in the world.”

Then, 40 Islamic leaders and scholars, at a meeting of London’s Islamic Cultural Centre organized by the Muslim Council of Britain, issued yet another declaration denouncing suicide bombings.

Honourable senators, since the time of Moses the intentional taking of human life has been prohibited. Witness the story of Cain and Abel. This edict encapsulated in the sixth of the Ten Commandments At Sinai, the two tablets of the Covenant that Moses unveiled, the idea of freedom was limited or circumscribed by the Ten Commandments. One tablet dealt with honour and respect, and the other with human well-being. The Decalogue was found in the Old Testament, Exodus 20:13, and in Deuteronomy 5:17. The original Hebrew text of the Old Testament uses different words for “intentional” versus “unintentional” killing.

The King James Version, in modern translation, now uses this translation: “Thou shalt not murder.” This translation is more linguistically nuanced and more closely represents the original meaning of the ancient Aramaic text. The original root Hebrew word “tirtzach” in the sixth Commandment is “ratzach,” which ordinarily refers to intentional killing without cause and accidental killing.

The Talmud then went on to explain, in references to suicide, which stated: “For the world was created for only one individual to indicate that he who destroys one human life is considered as if he destroyed the whole world.” In effect, the Quran echoes the Talmud.

Hebrew law considered accidental killing as not punishable. The Old Testament distinguished carefully between intentional murder without cause and accidental killing. Thus, in the Old Testament, “cities of refuge” were designated so that an unintentional killer could flee to escape retribution. Under the Old Testament, breaking other sacred laws such as honouring the Sabbath is permissible if breaking that law will save just one human life. To protect one’s own life against intentional murder by another, the law of self-defence is equally permissible.

Christian theology, including Protestant, Catholic, Orthodox and Eastern Rites denominations, makes it equally clear, prohibiting intentional murder of innocent people.

In Matthew 19:18 Jesus said: "Thou shalt do no murder." Killing in self-defence is also not deemed murder within the confines of the New Testament. As for suicides, Corinthians 6:19 to 20, prohibits taking of one's own life. Those more familiar with the Christian coda might be more expansive on Christian theology than I on the question of intentional taking of human life with *mens rea*. However, I have tried my best, honourable senators, to refer you to the Christian text.

The entire rationale of our Criminal Code is to be precise, to ensure that crimes are proved beyond a reasonable doubt. Strict onus of proof remains with the state. Clarity is essential when the Criminal Code and the powers of the state are arraigned against any person.

The Criminal Code is a codification of our laws of conduct pertaining to our civilized society and civilization. Is there any reason, honourable senators, not to clarify the Criminal Code and make suicide bombings an express, explicit criminal offence? On a careful reading of the Criminal Code and the Anti-terrorism Act, there is no specific criminal offence of suicide bombing per se and the Anti-terrorism Act will return to us again. Those who are on that committee can examine that question.

A specific prohibition against suicide bombing would directly assist and enhance the prosecution of those unsuccessful suicide bombings and those who individually and collectively conspire to assist in suicide bombings. Peace, order and good government lies at the base of Canada's system of the rule of law. Suicide bombing is contrary to the very heart of our constitutional principles.

Our criminal law, as it stands, does not expressly prohibit those who intentionally choose to take their own lives as a means of taking as many lives as possible. If suicide bombing is tantamount to homicide, the Criminal Code should eliminate any doubt about it as a clear-cut, express criminal offence.

This surgical amendment will help to bring attempted suicide bombers, those teaching this cult of death and those collaborating with them to justice. This surgical amendment would discourage, as the Criminal Code should, the encouragement of such conduct that we conclude is abhorrent to our entire civilized society. While this is a modest amendment, it represents an important clarification of the principles deeply embedded in our natural law and the Criminal Code.

The Criminal Code evolved to give greater emphasis to victims, including their families. This amendment would help remediate appropriate victims' concerns.

The nature of criminal law is to mediate between morality and reason. The purpose of the criminal law is to draw precise lines between acceptable and aberrant behaviour. In the process, criminal law forewarns, censures, ostracizes, isolates and seeks to undermine and reduce, if not expunge, aberrant behaviour from our civic society. The criminal law requires precision rather than vagueness as the state arraigns its mighty powers against aberrant behaviour of the individual.

Honourable senators, I believe I have made the case to remediate our Criminal Code and the criminal law to prohibit expressly suicide bombings under the Criminal Code.

I commend to honourable senators a book entitled *Dying to Win: The Strategic Logic of Suicide Terrorism*, by Robert Pape, a professor at the University of Chicago. In it, he painstakingly analyzes and documents a demographic profile of suicide bombers and the groups who conspire to assist and aid them. He concludes that, for the most part, these individuals are neither poor, nor desperate, nor uneducated religious fanatics. More often than not, they are well-educated, middle-class, political activists.

Honourable senators, we spend most of our lives in politics. We have observed desperate politics at home and desperate politics abroad. With this human weapon, suicide bombers have taken political activism to a profound level beyond the core of our civilized principles and beliefs.

Honourable senators, when I read his book I called Mr. Pape and I asked him what was happening since he had published the book. He stated, "Suicide terrorism continues to rise rapidly around the world."

In Iraq and Afghanistan Canadian lives have been lost because of suicide bombers. If we are fighting against suicide bombers abroad, surely at home we can make this an explicit criminal offence.

Should we not follow the lead of other countries of the OSCE who have condemned suicide bombings as abhorrent to civilized society? Canadians Against Suicide Bombing, led by former Mr. Justice Bromstein, has thousands upon thousands of citizens who have signed its petition. Every outstanding Canadian has been listed as a supporter of this bill. The former Mr. Justice Bromstein has urged the United Nations and Parliament to take action to remediate against this unnecessary uncertainty in our criminal law.

I want to commend the former Mr. Justice Bromstein, who has taken his voluntary responsibilities when he retired as a judge to the highest level of civic duty in our country. I believe we should all commend him for his activities. The Canadians Against Suicide Bombing website has received over 50,000 hits, which indicates a deep interest in this issue from Canadians in every corner of our land. The legal views I have reviewed include those of a great professor of law, formerly the editor of the *Canadian Bar Review*, Professor Jean Pascal.

Honourable senators, I urge the speedy adoption of this amendment. This amendment would send a clear message of abhorrence and condemnation to those who would praise, plan or implement suicide bombing against innocent citizens here and abroad.

Honourable senators, I will conclude with a quote from another mentor of mine, my old distinguished dean and friend, the late Dean Cecil Augustus Wright of the University of Toronto Law School. In a speech he made at the opening of the University of Toronto Faculty of Law in 1962, he quoted Mr. Justice Frankfurter of the U.S. Supreme Court. These words I have on my office wall here and in Toronto. This quote has been an organizing principle of my political life:

Fragile as reason is, and limited as the law is as the expression of the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, undisciplined feeling.

• (1540)

Honourable senators, this amendment reaches into the pith and substance of our Criminal Code. I urge you to return it as quickly as possible back to the Standing Senate Committee on Legal and Constitutional Affairs to be studied further.

Hon. Anne C. Cools: Would Senator Grafstein accept a question?

I was listening with great care to what Senator Grafstein was saying, and I thank him for all the work he has put into his speech.

Some decades back, suicide used to be a crime in our jurisdiction. As a matter of fact, I think the old name for it was a *felo de se*, a felony of the self, a murder of the self. As time progressed, I suppose, it ceased to be a crime, although all the supporting law around it still is, like assisted suicide and that sort of thing. The real problem that the system ran into is that once a suicide has been committed, a person having murdered themselves, that person is dead; so it made prosecution somewhat difficult.

Though I seconded this bill last year because the honourable senator needed a seconder. I am not well acquainted with the bill, but I listened with care today. I am motivated to now go and read it. Maybe he honourable senator answered this question in his discourse, but if there has been a suicide bombing and the suicider is dead, as are many other people, how could the Crown prosecute the suicide bomber?

Senator Grafstein: First, let us go back to the foundation of the criminal law. The purpose of my remarks today was to talk about the criminal law and the role of Parliament in passing those laws.

As a specific example, let us turn to Roscoe Pound, Mr. Felix Frankfurter and others, or Moynihan, and look to the specifics. The purpose of the criminal law is not to prosecute in the first instance, but to prevent egregious conduct. The law must send a clear message to the public: "Do not do this or there will be criminal consequences." Honourable senators, when someone stands up and says, "I am in favour of suicide bombing," that borders on a criminal offence because they are encouraging criminal conduct.

A successful suicide bomber cannot be prosecuted because he or she is a dead person. However, one can certainly prosecute those who would aid and conspire with him or her, those who taught and applaud the action. The purpose of the criminal law is not to put people in prison. If that were the case, all of Canada would be in a prison; we have all broken the criminal law.

Senator Prud'homme: The honourable senator has, perhaps.

Senator Grafstein: In some minor fashion, unbeknownst to us, or more rarely, knowingly, who amongst us has not?

Some Hon. Senators: Shame!

Senator Grafstein: I will not limit the scope of this example to honourable senators; every Canadian has done this. They have done this unknowingly, or they have done it because they thought they could get away with it. The purpose of the criminal law is to prevent misconduct and to say, "If you do this, you will have the

full power of the state brought against you." I am not only speaking here of the act, but also the prevention of the act, the counselling and applauding of the act. The intent is to stop the promotion of the act.

Honourable senators now know, for instance, that the act of suicide bombing proliferates everywhere. It is on the Web, on television and websites. The number of websites promoting suicide bombing has accelerated across the board. Suicide bombing is moving from egregious conduct to common acceptance. That is what the criminal law is meant to prevent. The law is meant to act as a prophylactic against egregious conduct before it occurs. If the act takes place, obviously, the law to prosecute must be clear.

Senator Cools: My understanding of the criminal law is somewhat different from that of the honourable senator. My understanding of the use and purpose of the Criminal Code is somewhat different.

The honourable senator put a significant amount of valuable information on the record, but he has put nothing on the record about the risk or dangers of suicide bombers in Canada. We know about Afghanistan; that case is well made. We know about the situations in other parts of the world. Does the honourable senator have some information about the growing risk or the dangers within Canada from suicide bombers?

Senator Grafstein: I do not have any specific information other than information in the public domain. In the public domain there is information that suicide bombing is taught in Canada. There is information in the public domain that some people were preparing implements to carry out suicide bombing. There is information, as there was more particularly in the U.K., that this is a growing practice. The concern in the U.K., and more recently with the arrests in Toronto, of which we still wait to hear the prosecutions, is that there is a second generation of young people who have become believers in this particular political tactic.

We ought to make the law explicit and clear-cut. Criminal law is not perfect. We should not let the imperfect drive out the good. We try to do the best we can, and the best we can do is to pinpoint this conduct explicitly. When this piece of legislation passes, we will have the tools to address it immediately. I do not believe we have appropriate tools now in the Criminal Code.

Senator Cools: Perhaps, when the bill arrives in committee we could have some testimony on that subject.

Senator Grafstein: When this bill is referred to the committee, I see no reason not to call on the appropriate authorities to look at this question in Canada. I would hope that would be part of the public record.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I was a little surprised to hear that all Canadians are criminals, more or less. I do not think that is what the senator meant to say.

I listened to his speech with a great deal of interest. In order to examine his bill more closely, if it were accepted and became a Senate bill, would there not be an opportunity at committee stage to invite appropriate witnesses to examine the causes?

It has become an epidemic. I know that the honourable senator is very concerned about these issues. I think it would be wise, and would balance out the claims he wants us to accept, if we asked why we have suicide attempts in today's society. It has become an unbelievable epidemic, a deadly illness. The reasons for such actions could certainly be examined.

In order to get the full picture, would the honourable senator agree that if this bill makes it to committee stage, there should also be a study on why this unfortunate series of events is taking place across the world?

[English]

Senator Grafstein: I have had before the Senate, and I referred to this yesterday, an outstanding resolution dealing with anti-Semitism.

Senator Prud'homme: Yes, we know to what it is related.

Senator Grafstein: The resolution also refers to anti-Muslim sentiment. I have urged the Standing Senate Committee on Human Rights to look at this question, and they have refused to deal with the subject, as has the Senate. It strikes me that that would be a very appropriate place to deal with some of the root causes to which the honourable senator referred.

The Standing Senate Committee on Legal and Constitutional Affairs is a master of its own thinking. I do not need to impede their work. They will decide what witnesses to call. I will be available to give evidence, as should any member if he or she is proposing a private member's bill. It will be up to the committee, the chair and the Steering Committee to decide which witnesses to call. I will be prepared to respond to any testimony made available to that committee on any question.

On motion of Senator Oliver, debate adjourned.

• (1550)

[Translation]

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire moved second reading of Bill C-293, respecting the provision of official development assistance abroad.—(*Honourable Senator Tardif*)

He said: Honourable senators, I know I will not have enough time to finish my speech this afternoon, but I would like to thank you for giving me the opportunity to begin speaking to you today on Bill C-293, respecting the provision of official development assistance abroad.

I consider this bill a first step towards evolutionary change in our country's entire international development program. We must recognize the crucial need not only to increase the volume, quality and quantity of international development, but also to review, according to the Standing Senate Committee on Foreign Affairs, the very structure of the agencies, in particular CIDA, that manage the evolution of Canada's international development assistance for those countries that need it.

[English]

This bill was initiated in May 2006, almost a year and a half ago, by my colleague in the other place, the Honourable John McKay.

Briefly, the purpose of Bill C-293 is to give a clear focus on poverty reduction to the Official Development Assistance, ODA, provided by Canada. It will provide a focus and orientation that is currently lacking as ODA seems to be in a shotgun mode attempting to respond to a variety of requirements that do not necessarily ultimately meet the objective of assisting nations in their development.

Bill C-239 also details measures for accountability whereby the minister responsible would be required to report to Parliament on the activities of, in particular, the Canadian International Development Agency, CIDA.

Finally, the bill states that the minister shall consult with governments, non-governmental organizations and, not surprisingly, those who are most affected by the poverty of the world — the poor.

Many of us agree that there is a need both for more and better aid to be provided by Canada. That is an understatement when we look at the level that we have committed over the years and still commit to meeting the objectives of 7 per cent GNP. We are currently at 4.1 per cent.

Bill C-293 addresses the "better aid" part of the equation; namely, how to use the funds more effectively and how to focus those funds to provide the best possible results, ultimately the results to those who need it most — the poor.

Bill C-293 defines ODA according to the definition of the Development Assistance Committee, DAC, of the Organization for Economic Co-operation and Development, OECD but encompasses also unique Canadian features. As Bill C-293 states, ODA should be:

... administered with the principal objective of promoting the economic development and welfare of developing countries, that is concessional in character, that conveys a grant element of at least 25 per cent and that meets the requirements set out in section 4;

— which I will come to —

or

(b) that is provided for the purpose of alleviating the effects of a natural or artificial disaster or other emergency occurring outside Canada.

Section 4 of the bill specifies the three features that Canadian ODA should meet. Canadian ODA should be provided to developing countries

... only if the competent minister is of the opinion that it

(a) contributes to poverty reduction;

- (b) takes into account the perspectives of the poor; and
- (c) is consistent with international human rights standards.

This opinion shall reflect that of the civil society organizations as well.

I strongly believe that this bill will provide CIDA, our current and principal aid provider, with tools necessary for this department to provide better aid — aid that is more efficient and more accountable to parliamentarians and to the public.

It will not be the be-all and end-all. It is a first step in the realignment of international development by this country, great nation that we are, to respond with our capabilities and responsibilities toward those nations in need. We are a leading middle power in the world, and as such we have a responsibility to provide assistance. ODA is one of those principal instruments. Poverty is the most virulent instrument creating international conflict and disparity in the world.

A word on committees and consultations: In total, this bill has already spent almost 20 hours in committee, first in the House of Commons Standing Committee on Foreign Affairs and International Development and then in the Standing Senate Committee on Foreign Affairs and International Trade.

[Translation]

Before our summer break, the Standing Senate Committee on Foreign Affairs and International Trade heard nine witnesses on Bill C-293, in addition to comments from Mr. MacKay and me. As sponsors of the bill, we provided information to guide the Committee's deliberations.

In his testimony, Mr. Mark Lowcock, Director-General for Policy and International with the Department for International Development (DFID), which is CIDA's counterpart in Great Britain, told us that in Great Britain, a similar bill had been extremely beneficial to the department since the policy was implemented in 2002.

[English]

Mark Lowcock told us:

Our experience has been that the 2002 act has been beneficial in a number of ways. First, it provides clarity of purpose. This was commented on in the latest Development Assistance Committee peer review in the U.K. Mission fuzziness can be a problem for public sector bureaucracies and the act helps us with that.

Second, the act is beneficial as a motivator for the staff of the department and our external partners. People want to get up in the morning and come to work to contribute unambiguously to the reduction of poverty in poorer countries.

Third, it ensures that we avoid the problems we encountered when we used the aid program to pursue multiple objectives.

That is certainly what is happening.

In addition to the expert advice received by DFID, I have been in consultation with several experts regarding Bill C-293 over the summer. Representatives from the UN's Millennium Project have told me that they support the bill's core concept of putting poverty reduction at the centre of CIDA's mission. As you may know, the UN Millennium Project, led by the famous economist Jeffrey Sachs, is mandated to map out an action plan for achieving the millennium development goals of which poverty reduction is one.

[Translation]

For his part, the Prime Minister promised this past summer that Canada would join the global movement to achieve the millennium development goals that was started by the Right Honourable Gordon Brown, Prime Minister of the United Kingdom. The first of these millennium development goals, which Canada has promised to achieve by 2015, is to eradicate extreme poverty and hunger. More specifically, wealthy nations are promising to reduce by half the proportion of people living on less than a dollar a day.

The former Minister of Foreign Affairs, the Honourable Peter MacKay, made this announcement in early August:

[English]

Canada will continue to work with its partners — other governments, the private sector and non-governmental organizations — toward meeting these internationally agreed objectives.

That was quoted from the *Ottawa Citizen*, August 1, 2007.

[Translation]

This commitment was made by the government on behalf of Canada. However, no action has been taken since then to ensure that Canada reaches the millennium development goals. The Speech from the Throne is not very useful in shedding a positive light on this matter.

If the government truly wanted to reach these goals, it would implement the recommendations of the experts from the UN Millennium Project of the United Nations Development Program, who say that Bill C-293 is a step in the right direction, and it would support this bill.

[English]

The Senate adjourned until Thursday, October 25, 2007, at 1:30 p.m.

CONTENTS

Wednesday, October 24, 2007

PAGE

PAGE

SENATORS' STATEMENTS

The Term "Republic of Macedonia"

Hon. Pana Merchant 66

Autism Month

Hon. Wilbert J. Keon 66

The Documentary *Nomad's Land*

Hon. Lucie Pépin 66

ROUTINE PROCEEDINGS

Income Tax Act

Excise Tax Act (Bill S-214)

Bill to Amend—First Reading.

Hon. Charlie Watt 67

QUESTION PERIOD

Public Works and Government Services

Sale of Federal Office Buildings.

Hon. Céline Hervieux-Payette 67

Hon. Michael Fortier 67

Hon. Larry W. Campbell 68

Veterans Affairs

Extension of Veterans Independence Program.

Hon. Catherine S. Callbeck 69

Hon. Marjory LeBreton 69

The Senate

Female Representation.

Hon. Marcel Prud'homme 69

Hon. Marjory LeBreton 70

Finance

Saskatchewan—Equalization Payments.

Hon. Robert W. Peterson 70

Hon. Marjory LeBreton 70

Parliament

Intellectual Survey of Senators and Members of Parliament.

Hon. Jean Lapointe 70

Hon. Marjory LeBreton 70

United Nations

Declaration on the Rights of Indigenous People.

Hon. Elizabeth Hubley 71

Hon. Marjory LeBreton 71

Indian Affairs and Northern Development

Kelowna Accord.

Hon. Elizabeth Hubley 71

Hon. Marjory LeBreton 71

Elections Canada

Conservative Campaign Expenses.

Hon. Grant Mitchell 71

Hon. Marjory LeBreton 72

Visitors in the Gallery

The Hon. the Speaker 72

ORDERS OF THE DAY

Canada-United States Tax Convention Act (Bill S-2)

Bill to Amend—Second Reading—Debate Adjourned.

Hon. David Angus 72

Speech from the Throne

Motion for Address in Reply—Debate Continued.

Hon. Dennis Dawson 73

Hon. Hugh Segal 76

Hon. Serge Joyal 76

Hon. Fernand Robichaud 77

Bill to Provide Job Protection for Members of the Reserve Force (Bill S-202)

Second Reading—Debate Adjourned.

Hon. Hugh Segal 77

Hon. Roméo Antonius Dallaire 78

Criminal Code (Bill S-210)

Bill to Amend—Second Reading—Debate Adjourned.

Hon. Jeremiah S. Grafstein 79

Hon. Anne C. Cools 84

Hon. Marcel Prud'homme 84

Development Assistance Accountability Bill (Bill C-293)

Second Reading—Debate Adjourned.

Hon. Roméo Antonius Dallaire 85



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

• 39th PARLIAMENT

• VOLUME 144

• NUMBER 6

OFFICIAL REPORT
(HANSARD)

Thursday, October 25, 2007

—◆—

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, October 25, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

KYOTO PROTOCOL

Hon. David Tkachuk: Honourable senators, I am sure all colleagues interested in the question and the serious problem of climate change will be scrambling to buy the latest issue of the British science journal, *Nature*. According to a story in the *National Post* on the latest issue of *Nature*, two British scientists, one from Oxford and one from the London School of Economics, have written an article entitled, "Time to Ditch Kyoto." They back our government's claim that the Kyoto Protocol does not work. The scientists argue that not only has Kyoto not delivered cuts in greenhouse gases but also it is the wrong tool for the job. The fact that greenhouse gases, GHGs, soared worldwide under Kyoto should have been evidence enough for any of us, much less for Oxford scientists.

Now, the easy route is to blame the non-signatory countries, such as the United States and Australia, for the rise in emissions but that too would be wrong, say the scientists. Kyoto was the wrong tool for the nature of the job. Moreover, the scientists warn delegates to the next United Nations climate change meeting in Bali against creating a bigger version of Kyoto — more of what is not working, as they say — and argue instead for a radical rethink in climate policy.

What is needed instead of another Kyoto is a massive increase in spending on clean energy and on research and development in general.

I urge all senators interested in this subject and interested in doing something about climate change to read and consider this article carefully.

CANADIAN FEDERATION OF STUDENTS

MEETINGS WITH PARLIAMENTARIANS

Hon. Catherine S. Callbeck: Honourable senators, this week representatives from the Canadian Federation of Students, which speaks for more than half a million students from every province in this country, met with parliamentarians on the Hill. I had the great pleasure of meeting with two young graduate students, Faiz Ahmed, P.E.I. representative, and Ben Lewis, National Treasurer, who ably outlined the major concerns and challenges facing post-secondary students today.

Rising tuition costs and increasing debt loads have an effect on whether Canadian youth are able to pursue their studies. As honourable senators may know, Statistics Canada released the average tuition costs for the 2007-08 academic year earlier this month. Tuition rose by 2.8 per cent this year, an even faster rate than inflation. The average tuition for an undergraduate

student is \$4,524, up from \$4,400 the year before. More and more post-secondary education is an option available only to those from high income families or to students who end up with overwhelming personal debt upon graduation.

We all know how important post-secondary education has become in the 21st century. It is not only absolutely necessary to the success of individual Canadians but also vital to the country's overall success on the world stage.

Despite the increasing importance of ensuring that young people receive a top-notch post-secondary education, the Conservative government's approach has been wholly insufficient. The one mention of post-secondary education in the recent Speech from the Throne stated only that families worry about the rising costs of higher education. The speech itself offered no measures or initiatives to dispel that worry.

• (1340)

Over the past 20 months, we have seen no direct assistance to students, just two small tax measures that will have little impact on our young people. These small tax credits on a future income tax return provide nothing for a student who needs assistance up front to pay their tuition.

Honourable senators, post-secondary education should be accessible, regardless of income, for all young Canadians capable of attending. All Canadians will benefit from the work of these graduates. The federal government must do all it can to ensure that our young people can effectively participate in an increasingly competitive global economy. In doing so, they will help to ensure the success of the country.

Hon. Hugh Segal: Honourable senators, I am delighted to join with Senator Callbeck to underline the presence in Ottawa today of the Canadian Federation of Students, who, as Senator Callbeck informed us, have come to Ottawa to advance the cause of university students across Canada.

Among the recommendations they will be sharing with the government and parliamentarians of all parties will be the winding down of the Millennium Scholarship Foundation, and the redeployment of the \$2 billion endowment established by a previous administration into needs-based student grants to increase equality of access for qualified university applicants so that no young Canadian is barred from university attendance because of financial hardship.

This constructive and helpful policy recommendation is being advanced today in Ottawa by two Canadian Federation of Student delegates, amongst others, from York University, Mr. Ben Keen and Mr. Fuad Abdi, who are also officials of the York University Federation of Students.

I know all senators will want to join with me in wishing these leaders every success in fighting for better management of the federal presence in this field and, above all, better coordination with the provinces, which the Millennium Foundation established by a previous government never fully achieved.

I know that honourable senators will also want to wish these young leaders every success in their academic and professional careers in the months and years ahead.

HEALTH

GOVERNMENT RESPONSE TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE REPORT ON FUNDING FOR TREATMENT OF AUTISM

Hon. Jim Munson: Honourable senators, we have received from the Minister of Health the government's response to the final report of the Standing Senate Committee on Social Affairs, Science and Technology, *Pay Now or Pay Later — Autism Families in Crisis*.

That report brought to the government's attention the plight of Canadian families who have children with autism and are scrambling to obtain the care and treatment they need. As honourable senators know, families are trying to fend for themselves; they are making huge sacrifices to buy treatment and the stress is tremendous. Our report said it well; families are in crisis.

The Senate report made several recommendations. It called on the government to play a leadership role on behalf of autism families, in particular, leading a national autism strategy.

It was disheartening then to read the government's response and learn the primary role that the government sees for itself is that of "facilitator of enhanced evidence."

Honourable senators, families who have children with autism need help. If I am disappointed with the government's response, think how disappointed autism families are. Much of the 11-page report is devoted to explaining what the government is already doing — words like "ongoing support" and "continued collaboration" pepper the document.

Autism families already know how little the government is doing. Their bank books confirm it. They do not need a bureaucratic report to back this up. The bottom line is that the government thinks the status quo is good enough. We know it is not.

In the last election, the Prime Minister proposed a \$100 monthly payment for families with children to help defray the cost of child care. At that time, he urged opposition parties to support the plan even though we know \$100 a month is less than one tenth of what full-time child care actually costs. The Prime Minister said that this amount is better than the "status quo, which is zero."

Let us take a page from the government's playbook and call it an "autism allowance," perhaps providing \$500 or \$1000 a month to families with autistic children. Like a child care allowance, that is about one tenth of what they actually need. That will not even come close to covering the full cost of treatment, but it will sidestep any jurisdictional concerns. Using the Prime Minister's own words, funding will allow parents to choose the option that best suits their needs and will certainly be better than the status quo, which is zero.

[Senator Segal]

• (1345)

Like the child care allowance, an autism allowance would be far from adequate, but it would be a start; at least a step toward acknowledging the hardship and stress that autism families live with every day. I remind honourable senators that this government posted an historic \$14-billion surplus this year. Let us use it wisely and help autism families.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN POSITION WITH RESPECT TO THE MARITIME LABOUR CONVENTION 2006

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's position on the Maritime Labour Convention 2006.

[English]

QUESTION PERIOD

THE HONOURABLE MICHAEL FORTIER

ALLEGED CONFLICT OF INTEREST

Hon. Grant Mitchell: Honourable senators, section 10 of the Senate's Rules of Conduct states:

... a Senator shall not act or attempt to act in any way to further his or her private interests. . .

Section 11 states:

A Senator shall not use or attempt to use his or her position as a Senator to influence a decision of another person so as to further the Senator's private interests. . .

Yet, Senator Fortier is using his official website to promote himself in an MP-like role and, of course, he is not an MP, in the riding of Vaudreuil—Soulanges, which does not fall within his senatorial constituency.

Will Senator Fortier please admit that he is using his position as a senator, and probably his senatorial budget, to promote his personal interest to be elected so he can resign from the Senate, which he dismisses and diminishes so readily and so often?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, much like a question I received yesterday, this is not a matter of government business. Senator Fortier has made no secret that he would like an election as soon as possible so he can run for a seat in the other place. All matters with regard to his candidacy in Vaudreuil—Soulanges are funded by the political riding association for that constituency.

Senator Mitchell: Honourable senators, if that is the case — and we would like to be reassured and my colleague will be asking questions further about that — the concern remains that the honourable senator may be using his public office to promote his personal interests in contravention of the Federal Accountability Act.

Will the Leader of the Government in the Senate please confirm whether Senator Fortier is using his position as a senator or his position as a minister in this manner? He is certainly construing himself to be the representative of that riding in a way to further his personal interest; that being to get himself elected so that he can get out of this Senate, which he clearly dislikes, diminishes and dismisses at every opportunity.

• (1350)

Senator LeBreton: Each and every one of us as members of Parliament, whether members of the House of Commons or members of the Senate, when asked by citizens of this country to assist them in various cases, do so. I am sure the honourable senator would do the same; I am sure Senator Mitchell is contacted often to inquire about a particular cases before the government. I do believe that honourable senators act in accordance with all of their senatorial responsibilities. Of course, senators undertake many political responsibilities, and there is never any question about their ability to do that.

Hon. Yoine Goldstein: I am disappointed that the Honourable Senator Fortier chooses to hide behind the skirts of the honourable leader to respond to this question. Having said that, the website, which is headed “Vaudreuil—Soulanges,” and not with the Senate logo, says, amongst other things, “What kind of issues can the constituency office deal with?”

The answer is:

Our office can assist with federal government matters, including but not limited to:

- Revenue Canada
- Citizenship and Immigration
- Passports
- Income Securities
- Employment Insurance

Honourable senators, Vaudreuil—Soulanges is in my division, and is represented in the House of Commons by a Member of Parliament, Meili Faille. The privilege and the responsibility of representing constituents' needs to government is that of the senator and of the Member of Parliament. It is not universal.

This purports to be a site where the honourable senator, honourable minister, honourable candidate, presents himself as a senator and then proceeds to say that he can do these things for constituents, who are not his.

My questions are the following: Who paid for the website — each name, amount and date? Did any corporations contribute? Who does the maintenance of the website? Who pays for it and how much? When the honourable minister started the website, did he check with the Senate Ethics Officer before he finished it?

I would like a date before which this information will be furnished.

Senator LeBreton: I thank Senator Goldstein for those questions. The website in question is paid for entirely by the Conservative riding association. As far as I can determine, no Member of Parliament has any right, no matter what political stripe, to make demands as the honourable senator just made. However, since the honourable senator is making demands, we are still waiting to figure out where the \$40 million went that was spent out the back door in the sponsorship scandal.

Senator Goldstein: Honourable senators, these people who carry the Holy Grail of accountability and transparency obviously refuse to account and be transparent. I am not finished with this. I expect to be elsewhere in this connection.

Senator LeBreton: I would not get too worked up about it. The fact that our political party is able to get donations from individual Canadians to fund the party and our riding associations causes stress for the senator, but this is a legitimate political association.

• (1355)

It is no secret that Senator Fortier is the nominated candidate. That riding association is completely within its rights to promote their efforts in that riding. There is absolutely nothing illegal or wrong about this practice, and the honourable senator should know that better than most.

Senator Goldstein: Four corporations contributed \$1,000 to Senator Fortier's constituency. Is that accountability? Is that transparency? Is that being used for the website? Would the leader like the names of the corporations?

Senator LeBreton: The last time I looked, that activity is completely legal in this country. Thanks to this government, we have changed the situation whereby this activity is open and transparent. No longer do we have situations where people can go to an Italian restaurant and obtain an envelope full of \$50,000 without being accountable to the Canadian public.

Senator Goldstein: That is not being transparent. However, the leader is the accuser and she must therefore be transparent.

ACCESS TO INFORMATION

DISCLOSURE AND RESPONSE TO REQUESTS

Hon. Jim Munson: Honourable senators, I would be careful in talking about money going back and forth between political leaders in the past. I say no more.

My question is for the Leader of the Government in the Senate. It has to do with transparency and public accountability.

The Globe and Mail reported earlier this week that obtaining access to information or simply obtaining information has not been easy since the Conservatives came to power. With access to information requests, it seems that more information is censored under the Conservative government. When the information is finally revealed, it has taken an awful long time. Could the leader explain?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, for an old journalist like Senator Munson, one would think he could get his facts straight. He was supposed to be an objective journalist, yet his maiden speech in the Senate was about his everlasting commitment to Lester Pearson.

If the honourable senator had reviewed the material instead of allowing *The Globe and Mail* to do his research, he would have found that since we have come into government — and many people have difficulty with accepting this — the number of requests for access to information has risen incredibly. When one looks at the number of responses that have been sent out, the numbers have grown inasmuch as the number of requests has grown.

This government is committed to transparency and openness. We are working as hard as we can to deal with the vastly increased number of requests for access to information.

Senator Munson: I take offence to the comments of the honourable senator. I am not an “old journalist;” I am a young senator. I am only 61.

If one reads the figures in *The Globe and Mail*, and figures do not lie, the number of requests has dropped from 77.5 per cent to 74.7 per cent. When it comes to full disclosure, the picture is worse than ever. Only 23 per cent of documents were fully released, and that is a drop of 5 per cent.

The words from David Gollob of the Canadian Newspaper Association are as follows: “Your government cannot have accountability without having transparency.”

What is it about reporters’ requests for information or reporters in general that the government does not like?

Senator LeBreton: Actually, nothing. The fact is that the number of requests, as I have just stated, has increased incredibly. Therefore, the people who are tasked with responding to access to information requests are working hard, and the government is committed to responding.

As I have stated to Senator Munson previously, the numbers in the article indicate a dramatic increase.

PROPOSED PUBLIC INTEREST OVERRIDE

Hon. Joan Fraser: Honourable senators, it is well enough to say that one is committed to being accountable and transparent. The problem lies in keeping one’s word.

Honourable senators, the Conservative campaign platform in last year’s election, entitled *Stand up for Canada*, at page 12, under the heading “Strengthen Access to Information Legislation,” solemnly said:

A Conservative government will:

- Provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government.

• (1400)

A public interest override would authorize the head of a government institution to disclose information if it was in the public interest to do so.

That initiative has been supported by Justice John Gomery, one of Senator LeBreton’s favourite people; the Office of the Information Commissioner; and the Canadian Newspaper Association. It is similar to provisions in effect in the provinces of Alberta, British Columbia, Saskatchewan, Manitoba, Ontario and Prince Edward Island. It was not a bad promise at all, but surprise, surprise, when the Federal Accountability Act came before us, it was not there.

Colleagues may recall that the Senate inserted a public interest override, which the government, in its wisdom, then refused to accept. What are we supposed to think? Will this override remain one more in the long list of broken promises, or will the government at last try to keep at least this one useful promise?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for putting that excellent promise of ours on the record in the Senate. The Federal Accountability Act is a sweeping act that has already shown to the Canadian public that the government is sincere about accountability, openness and transparency.

With regard to the Federal Accountability Act, it is so large that regulations for portions of the act are still being drawn up by officials of the government. However, no one on this side needs to take any lessons about broken promises. The party on the other side was going to get rid of the Free Trade Agreement and hack the GST.

FULFILLMENT OF CAMPAIGN PROMISES

Hon. Lorna Milne: Honourable senators, as the Leader of the Government in the Senate has said, some of the promises in *Stand up for Canada* were excellent. However, when a government says one thing and does another, the perception of many Canadians is that there is something to hide. Perhaps this in-and-out scandal is only the tip of the iceberg of what the government does not wish to reveal to Canadians.

Can the Leader of the Government in the Senate tell honourable senators if this government ever plans to live up to any of the following commitments that it promised Canadians in *Stand up for Canada* on pages 12 and 13: First, implement the Information Commissioner’s recommendations for reform of the Access to Information Act; or, second, give the Information Commissioner the power to order the release of information.

I ask because in the recent Speech from the Throne, the Governor General stated that Canadians wanted a government that sets clear goals and delivers concrete results. This government has set a number of goals to amend the access to information regime in Canada, yet has not achieved them.

Furthermore, no commitment was made in the Throne Speech to fulfilling these commitments to Canadians. Will this government commit to fulfilling these promises they made to Canadians and, if so, when?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, the Speech from the Throne laid out five priorities of the government. We have also brought in a law whereby prime ministers would —

Senator Milne: Do not forget the question. I will repeat it.

• (1405)

Senator LeBreton: You people on that side are something else, with your hand gestures and everything.

As I started to say, the Speech from the Throne laid out five priorities for the next phase. The next election will be in October 2009, because this Prime Minister brought in a law whereby Canadian prime ministers could not, for their own political and personal advantage, call elections at the whim of their own political desires.

The honourable senator mentioned the Canada Elections Act and advertising. As I said in this place yesterday, this was completely legal. We followed the law, unlike the honourable senator: When the Federal Accountability Act was before the Standing Committee on Legal and Constitutional Affairs, the honourable senator put on the record that her party allowed donations for the caucus fund where they buy their meals as a taxable donation. She actually put that on the record. It is interesting that no one seemed to pick up on that.

As I stated before, and as the government has said many times, the implementation of the Federal Accountability Act is under way. There is no doubt that it is a huge act. Some provisions came into force immediately and others will come into force over time. On September 19, Senator Fortier and Minister Toews announced a code of conduct for procurement and the appointment of a procurement ombudsman designate. An expansion to the Access to Information Act came into effect on September 1, covering seven additional Crown corporations and all wholly owned subsidiaries. On July 9, the new Conflict of Interest Act came into force, administered by the new Conflict of Interest and Ethics Commissioner, Mary Elizabeth Dawson. Also, Christiane Ouimet, who appeared before us here in the Senate, is the new Public Sector Integrity Commissioner. The Public Servants Disclosure Protection Act came into effect on April 15.

The government is currently laying the groundwork for the establishment of a public appointments commission and is also working with the Library of Parliament to establish the office of the parliamentary budget officer.

As I have said before, this act is large with many components. Instead of getting up and criticizing, the honourable senator should get up and congratulate the government for the great effort we have made so far in implementing it.

Senator Milne: Honourable senators, that is such a great long list of things to respond to that I am not sure where to begin.

We can start with the honourable senator's statement that Senator Fortier has done such marvellous things; he is opening up the Access to Information Act. Honourable senators, less than a quarter of requests for access to information were met with full disclosure of the requested information in 2006-7. This number represents a drop of 5 per cent in only one year of governing. Will there be another 5 per cent drop this year? Will it be 15 per cent next year? Come on, guys. Let us actually open government up to the public.

Senator LeBreton: Now the honourable senator is calling me a guy! Maybe she needs new glasses.

The honourable senator obviously did not hear my answer to Senator Munson. The number of requests for access to information has dramatically increased. As the honourable senator knows, requests create a lot of work for officials. I know the government and officials are working hard to answer them.

Senator Angus: The answers are all on Senator Goldstein's website.

• (1410)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill S-3, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

He said: Honourable senators, I want to start by quoting from page A-3 of the *Ottawa Citizen* of October 24. The article is written by Richard Foot and Juliet O'Neill, and quotes Stéphane Dion with respect to this bill:

Liberal leader Stéphane Dion, who strenuously opposed the measures earlier this year —

That is, the measures in this bill. The article goes on to state:

— as a threat to civil liberties, signalled that his party would likely reverse itself, because the government had incorporated some changes proposed by parliamentary committees.

I would like to thank my colleague Senator Smith on his obvious influence with his new-found friend. Come to think of it, he is my new-found friend as well.

In speaking in favour of Bill S-3, I wish to indicate that this bill proposes to reinstate, with modifications, the investigative hearing and recognizance provisions of the Anti-Terrorism Act.

Honourable senators, terrorism is a scourge that has been with us in one form or another, even before the advent of nation states, although it has most definitely evolved through the ages. Among the first known terrorists was a group in the 13th century known as the Assassins. That name was derived from the hashish they had a habit of smoking. You would think they would be too blissed out to cause any trouble, but that was not the case. They were a breakaway faction of Shia Islam, living in the mountains of Northern Iran, who targeted enemy leaders for assassination at the cost of their own life. They were the first suicide bombers, if you will.

The advent of modern terrorism awaited the advent of the modern state, following the Treaty of Westphalia in 1648. In fact, the word "terrorist" was first coined during the French Revolution to describe the members of the Committee of Public Safety and the National Convention, who carried out the revolutionary government's reign of terror. The Royalists, who opposed the Revolution, used terrorist tactics themselves — such as assassination — in their fight against the revolution.

The modern era of terrorism began in the 19th century with the anarchists and the rise of nationalism, as well as improvements in weaponry. In the late 20th century, groups such as the IRA in Ireland, Shining Path in Peru, the Baader-Meinhof gang in Germany, and Black September in the Middle East became world famous in the era of modern communications. Today, of course, we have the dawning of the era of international terrorism, spearheaded most notably by al Qaeda.

Honourable senators, as I said at the outset, terrorism has long been with us in one form or another. It has evolved to take advantage today of every advance in technology and, of course, differing ideologies, spreading its evil wings in an effort to accomplish through widespread terror what it cannot accomplish through legitimate means. We, on the other hand, must avail ourselves of every legitimate means to combat it.

Honourable senators, the government is aware that the provisions in Bill S-3 were a sunset provisions in the Anti-Terrorism Act and that the majority of the House of Commons voted last February against renewal. They thus expired on March 1, 2007, when the sunset provision came into effect. However, the provisions of this bill have been modified to take into account many of the objections of those who opposed them in the House. They are critical tools in the fight against the ongoing and insidious threat of terrorism and they should be supported this time. These provisions are in fact crucial to preventing and investigating terrorist attacks.

The investigative hearing provisions would allow the courts to compel a witness who may have information regarding a terrorism offence to testify and provide information or produce anything in the person's control. The recognizance with conditions provision would allow a judge to impose a recognizance on a person in order to prevent the carrying out of a terrorist activity.

Honourable senators, three arguments were advanced for allowing these provisions to sunset, or expire, earlier this year. Many of you were involved in the Special Committee on the Anti-Terrorism Act study here in the Senate. They were essentially that the provisions were not necessary, the provisions

offended human rights, and their extension was not coupled with comprehensive legislative reform that would respond to the numerous parliamentary recommendations, including those that had been made concerning these provisions. In fact, those were some of the very reasons that Liberal leader Stéphane Dion used last February when the measures were defeated. However, now, because of the recommendations that were put forth by the Commons committee and the Senate committee, he has seen fit to support this bill.

I will respond to each of these concerns in turn, after which I hope honourable senators will agree that we have turned a page and the bill deserves the support of all senators.

The first concern is necessity. The threat of terrorism to Canada and to Canadians persists. Since the introduction of the Anti-Terrorism Act in 2001, following 9/11, there have been horrific attacks on innocent civilians in many countries around the world. In October 2002, terrorists struck the U.S. embassy and tourist sites in Bali, Indonesia, and 202 innocent people were killed. In the Madrid train bombings in March 2004, al Qaeda-inspired terrorists killed 199 innocent people and injured 2,050. In September that year in Jakarta, a vehicle bomb outside the Australian embassy killed nine innocents. On July 7, 2005, terrorists attacked the subway system in London, killing 52 innocents and injuring 700. Later that month, they failed in a second attempt on London buses. Let us also not forget the arrests in Toronto in June 2006, the 17 alleged terrorists who were planning attacks against various targets in Southern Ontario. How many more innocent people would have been added to the death list last year had they succeeded? Canadians have been publicly identified by leaders of al Qaeda as targets of future terrorist attacks.

Honourable senators, terrorism does not announce itself ahead of time. It does not advertise coming attractions. It does not invite you to an event and ask you to RSVP. Terrorism is a surprise party. It lies dormant for months and years, waiting for you to let your guard down. Terrorists know — at least the ones we are dealing with today — that one colossal act of terrorism, like that which took place on 9/11, sends reverberations not only across societies but also down through time. We react with shock and horror and grief to the initial event, and we scramble in the days and months that follow to prevent future ones.

Terrorists hope, through their horrific acts, to accomplish a variety of goals beyond mass death and destruction. They want to instil widespread fear. They hope that democratic societies will react to that fear in response to the terrorist act by introducing harsh measures to prevent future attacks — measures they hope will cause a democratic backlash in democratic societies. They also hope that eventually, after the furore over the initial attacks has evaporated, democratic societies will let their guard down, including repealing even those sensible measures instituted in the wake of the initial attack to protect society. Terrorists have all the time in the world. They lie in wait for democracies to become complacent once again so that they can engage in acts for which there is no rational motive, or at least not a rationality of the kind that you and I subscribe to.

We need to remain vigilant. We need to avail ourselves of these measures that help safeguard society in extraordinary times, while at the same time preserving constitutional and legal rights. Just

because Canada has not been attacked by al Qaeda does not mean we will not be. Just as we do not throw out our smoke alarms or cancel our fire insurance because, well, it has been five years and the house still has not burned down, we cannot dispense with those measures designed to protect us against an attack.

• (1420)

Given the obvious threat, the government is convinced that it is necessary to reinstate these provisions in order to provide police with the tools necessary to investigate terrorism and to disrupt nascent terrorist activity.

Some will argue that the current Criminal Code provisions are adequate and provide the necessary investigative tools to deal with terrorism. However, there is a difference between terrorist activity and what we would call ordinary criminal activity.

How many criminals, for instance, carry out suicide operations in furtherance of their aims? The modern-day terrorists, or at least the brains behind them, care not a wit for human life, whether it is that of the innocents they target or that of the junior partners in crime carrying out their operations.

Criminals seek to skirt, break or flaunt the law. Modern-day, international terrorists seek to destroy the very legal and democratic institutions that promulgate these laws, along with the societies they hold together.

Make no mistake: All terrorists are criminals, but not all criminals are terrorists. The run-of-the-mill criminal wants to enjoy the fruits of our society, however misguided is his approach to doing that. The terrorist wants to destroy our society.

The potential catastrophic results associated with terrorist activity and the zeal with which terrorists pursue their aims, even contemplating and carrying out suicide bombing attacks, sets terrorism apart.

Our challenge is to respect human rights and preserve legal principles, but at the same time give no quarter to an enemy with no respect for those same human rights or any of the conventions of a civilized society — an enemy determined to destroy us.

Our government believes that these measures meet the criteria I just mentioned and are warranted to combat the ever-present threat of terrorism. That was also the view of the previous government after the 9/11 attacks.

The investigative hearing would allow the courts to compel a witness who may have information regarding a terrorism offence to testify and provide information relating to that offence. Such hearings have a strong preventive aspect. There is no analogous provision in the Criminal Code, although a similar procedure can be found in the Mutual Legal Assistance in Criminal Matters Act, but only to provide testimony in relation to foreign offences alleged to have been committed outside Canada.

It has been suggested that recognizance with conditions is not necessary, given the Criminal Code's arrest power in section 495 and the peace bond in section 810.01.

Section 495(1)(a) of the Criminal Code, in part, sets out the power of a peace officer to arrest without warrant a person who is reasonably believed to be about to commit an indictable

offence. The person, in other words, must be on the verge of committing a serious crime, such as someone standing outside of a bank with a gun.

On the other hand, the recognizance with conditions provision in this bill is not as narrow as section 495. It requires that a peace officer believe on reasonable grounds that a terrorist activity will be committed and suspect on reasonable grounds that the imposition of a recognizance with conditions on a person is necessary to prevent a terrorist activity.

Although it may not be as blatant, a seasoned police officer may suspect that a terrorist activity is about to take place. For example, he may have reasonable grounds to believe that a terrorist activity will be committed but may be unable to take action against a person because the officer lacks, at the point of identifying the threat and the person, the grounds necessary to support the ordinary criminal standard of a belief on reasonable grounds in relation to that particular person. The officer may only have reasonable suspicion. Given the grave nature of the harm posed by terrorist activity, there is a need to be able to act quickly to address the threat.

The peace bond provisions found in section 810.01 apply, in part, when a person fears on reasonable grounds that another person will commit a terrorism offence. This is a higher standard than that found in section 83.3, which requires reasonable grounds to believe that a terrorist activity will be committed and a reasonable suspicion that the imposition of a recognizance with conditions is necessary to prevent the commission of the terrorist activity. The peace bond lacks the power to arrest without warrant in limited exigent circumstances that is outlined in section 83.3 and, as a result, lacks the preventative scope of section 83.3 as set out in the bill before honourable senators.

The argument has been made that since these provisions were essentially never used, then they are not needed. Let me ask, if your neighbour has experienced a fire and the people on the next block have too, and you have not, do you discount the need for fire prevention? No, you do the opposite. You do everything reasonable to prevent it, knowing the consequences in the event of a catastrophic fire.

Finally, it should be noted that the Senate Special Committee on the Anti-terrorism Act, which had the benefit of studying these provisions and hearing witnesses on this issue, believed that the provisions continued to be necessary. Both the Senate and the House committees made recommendations for amending the provisions, and those have been incorporated in this legislation.

I shall now turn to the subject of the perceived lack of human rights safeguards. In the case of the investigative hearing, the evidence is conclusive. In June 2004, in a reference related to the Air India prosecution, the Supreme Court of Canada upheld the constitutionality of the provision. The government is confident that a recognizance with conditions provision would also have been judged constitutional had this provision been challenged.

There have been misleading reports that the investigative hearing violated the right against self-incrimination. The reality is the exact opposite. There is strong and a robust protection against self-incrimination by legislating use and derivative use immunity, except for prosecutions for perjury and giving contradictory evidence.

In a 2004 decision which upheld the constitutionality of this provision, the Supreme Court of Canada pointed out that the protection against self-incrimination found in this provision "goes beyond the requirements and jurisprudence."

In addition, experience has shown that law enforcement and prosecutorial authorities have been restrained and cautious in deciding whether to use these powers, but absence of use should not be interpreted as absence of need. Rather, the authorities should be commended for accomplishing what they have accomplished without resorting to these measures.

Finally, honourable senators, another objection to these provisions was that the renewal should not have been considered by Parliament in the absence of comprehensive reform and, in particular, in the absence of the government responding to the recommendations of the two parliamentary committees that reviewed the Anti-terrorism Act.

The subcommittee of the House of Commons made recommendations concerning the investigative hearing and the recognizance with conditions in an interim report in October of 2006.

The date for the sunset of these provisions was March 1, 2007, just days after the release of the Senate report and weeks before the final report of the House subcommittee was issued. Thus, the government was not in a position to respond comprehensively to parliamentary recommendations on the Anti-terrorism Act and related issues before the commencement of the debate on the sunset provisions.

However, we have these parliamentary reports, and the bill responds to the recommendations of these two committees. The proposed legislation incorporates some but not all of their recommendations.

First, taking into account the recommendation of the Special Senate Committee, the annual reports of the Attorney General of Canada and the Minister of Public Safety on the use of these provisions should include the relevant minister's opinion, supported by reasons, on whether they should remain in force.

Second, taking into account the first two recommendations of the House subcommittee, the bill proposes that these provisions be in force for five years rather than the three years that the Senate committee recommended from the date that the bill comes into force, at which time they could be sunset, much like the previous legislation, or be extended for up to a further five-year period by resolution or resolutions passed by both Houses of Parliament.

Third, the bill addresses a recommendation of the House subcommittee by clarifying that section 707 of the Criminal Code, which sets out the maximum period of detention for a witness, applies to a person arrested with warrant and detained in order to ensure his or her appearance at the investigative hearing.

• (1430)

Fourth, the bill allows for a further parliamentary review of these provisions as recommended by the House of Commons Subcommittee and as suggested by the Special Senate

Committee. However, the bill calls for a discretionary review, instead of a mandatory review, on the basis that Parliament should be left to decide whether such a review is necessary. We in the Senate make up our own minds whether we want to review a bill.

Fifth, this bill contains additional technical amendments that were based on some of the recommendations of the House Subcommittee.

There is an additional safeguard in this bill that was not proposed by any of these committees. In all cases, an order for an investigative hearing can be obtained only if the judge to whom an application is made is satisfied that reasonable attempts have been made to obtain information by other means. Previously, a similar but narrower provision applied only to future terrorism offences, not to past ones. Clearly, this bill does not simply reintroduce the previous provisions. It has made changes to these provisions to take into account recommendations of both parliamentary committees. However, the bill does not implement the House of Commons subcommittee's recommendation to restrict the applicability of the investigative hearing power to cases of imminent-future-terrorism offences, which they had recommended. There are sound policy reasons for this. For example, the proposed limitation would forestall entirely the possibility that the investigative hearing could be used in relation to the ongoing Air India investigation. Also, this recommendation would prevent the use of an investigative hearing to gain information about a terrorist offence after the offence had already occurred, even in the very recent past. For example, if a terrorist attack were to occur in Canada similar to the attacks in the U.K. on July 7, 2005, the police, on the day after the attack, would not be able to use this power because the attack would have taken place already.

This recommendation seems to be premised on the notion that terrorists would commit only one terrorist offence. We know better than that. After a terrorist group has committed an offence, whether participating in a training camp, fundraising or committing an act of violence, the justification for the use of an investigative hearing is even more compelling. The same person may plan a consecutive series of attacks and the ability to hold an investigative hearing in relation to the first attack might serve to prevent subsequent attacks. The credibility of this argument is illustrated by the attack in London on July 7, 2005, and the unsuccessful attack attempted on the London bus system later that month. There can be a preventive aspect to the investigative hearing, even in relation to past terrorism offences.

Moreover, this recommendation, if implemented, would add an odd characteristic to our legal system. Consider an ongoing investigative hearing into a terrorist plot having to be halted because the plot has already been carried out, making the status of the offence under investigation not imminent but past. The terrorist would then have derailed an investigation simply by committing a further crime.

I note that the Special Senate Committee did not share the view of the House of Commons subcommittee that the application of the investigative hearing should be limited to imminent terrorism offences, despite having the benefit of the October 2006 interim report of the subcommittee in the other place when considering their recommendations. Thus, Bill S-3 on this issue adopts the view of the Special Senate Committee chaired by Senator Smith.

In conclusion, honourable senators, I emphasize that this bill should not be viewed in isolation as a stand-alone piece of proposed legislation. It is meant to be but one element of a comprehensive approach being taken by the government to address national security matters. The government has already tabled its response to the report of the House of Commons subcommittee, which formally requested a response to its report in which it sets out areas of potential law reform. The government has not yet tabled a response to the special Senate committee because it has not been formally requested to do so.

As well, the government is working on further law reform measures, including in response to recommendations made in the second part of Mr. Justice O'Connor's report. Honourable senators will understand that other legislative initiatives in development require more time before they will be ready for introduction.

As mentioned, this bill seeks to reinstate with modifications the provisions of the investigative hearing and recognizance with conditions. This would give law enforcement the necessary tools to investigate terrorism offences and to disrupt nascent terrorist activity, while ensuring respect for fundamental human rights. For the reasons set out in my remarks, I support this bill and urge all honourable senators to do the same.

On motion of Senator Tardif, debate adjourned.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Joan Fraser: Honourable senators, as others have done before me, I would like to begin by expressing my gratitude to Her Excellency for the Speech from the Throne she delivered. I am grateful not so much for the content of the speech, as the motion suggests, but for the gracious and elegant manner in which she delivered it.

Unfortunately, the content of the speech does not inspire such feelings of gratitude in me. In many respects, I find the speech utterly appalling. However, I will discuss only that part of the speech dealing with the Senate reforms the Prime Minister plans to reintroduce in Parliament.

The Prime Minister plans to reintroduce two bills that he introduced during the last session. This time, he will put everything in the hands of the House of Commons. I have tremendous respect for my colleagues in the other place, but I must say that they are not experts on the Senate. They do not fully understand how the Senate works, nor do they understand the institution's strengths, weaknesses and issues.

I would like to begin with senators' term of office. The Prime Minister is planning to bring back Bill S-4, as introduced in the last session, but with a few small changes. Clearly, as Talleyrand said in another context, they have learned nothing and forgotten nothing.

[English]

Honourable senators will recall that Bill S-4, as then written, was given profound study by two committees of this place. In particular, the second committee found that the bill was gravely flawed. Even the first committee found serious flaws in the bill as written. There were both political and constitutional problems. On the political level, senators may recall that, with the exception of the Government of Alberta, the provinces were opposed to the package proposed by the Prime Minister. The government of my province, Quebec, wrote to the Standing Senate Committee on Legal and Constitutional Affairs in a long letter that repays careful study. It was an excellently reasoned letter that concluded by saying:

The Government of Quebec, with the unanimous support of the National Assembly, therefore requests the withdrawal of Bill C-43. It also requests the suspension of proceedings on Bill S-4 so long as the federal government is planning to unilaterally transform the nature and role of the Senate.

• (1440)

One of our duties in this place is to reflect regional interests. When the government of my region makes such a learned and clear plea, I pay attention.

Senator Comeau: Seriously?

Senator Fraser: Seriously, I pay attention.

Senator Comeau: Seriously?

Senator Fraser: Indeed.

Political doubts were not the only ones; there were constitutional doubts as well. In particular, the Standing Senate Committee on Legal and Constitutional Affairs heard from eminent experts who raised profound doubts about whether we have, as a Parliament, the capacity to implement unilaterally a change to the term of senators as great as is proposed by the Prime Minister.

That there is such doubt is, in itself, a serious problem. I do not know, no one in this chamber can know, what the Supreme Court of Canada would rule but we do know there is doubt. In the excellent report that the Standing Senate Committee on Legal and Constitutional Affairs prepared, they said:

The irrefutable fact . . . is that no one can say with certainty what the Court would hold the consequences to be. "Constitutional chaos" remains a serious concern.

The stakes are high. This is not a situation where we can accede to the Government's wish for speedy Senate reform, and wait to find out later whether the government was right, or whether in fact the many constitutional experts who expressed concern about the constitutionality of this bill were right.

I should point out that "constitutional chaos" was not a phrase the committee invented. It comes from the eminent professor Errol Mendes, and he was warning of the chaos that could ensue if we adopted this law, the government acted on it and then the Supreme Court said, "no, you cannot do that."

One of the major problems with that bill is that it was clear to both committees that we cannot have a bill that addresses the necessary reform, necessary in my view, of senators' terms that will be appropriate for both an elected and an appointed chamber because the nature of such chambers is so different.

Both committees decided they would proceed as if the bill were suitable for reform of an appointed chamber, as the Prime Minister alleged, which is the key reason both committees proposed far longer terms than Mr. Harper does. However, he is going back to his original proposal for eight years so we are faced with the same problem all over again.

Of course, he could get around that by trying to put both term limits and elections into a single package; but no, he will not do that. He will bring back Bill C-43 in the other place. He calls it a bill for the direct consultation of voters in the selection of senators, but it is a bill about elections. It bears reading, although you may end up more confused than you were at the beginning if you do in fact read it, colleagues. I have never seen such a convoluted explanation of a voting system as that bill contains.

I understand that the object of some form of proportional representation has merit, but as I read that bill, I thought the voters will not understand the system. Surely, the greatest merit of a first-past-the-post system is that every single voter understands it and there is no confusion in anybody's mind. I read that long, tedious passage of the Prime Minister's bill two or three times and if there are more than 10 people in the country who understand it, I will be astonished.

I think it is a bad bill on its merits. I do not think it is appropriately done. The electors must know what they are doing even if we go to an elected Senate.

However, it is also clearly, in my view, in contempt of the Constitution. First, it changes the method of selection, which section 42 of the Constitution Act, 1982, says we cannot do unilaterally.

It also ignores various other constitutional requirements for senators. It ignores the constitutional requirement that senators reside in the province that they represent. Welcome to the era of carpetbaggers; there is nothing to stop people from Quebec running in Alberta. I do not know how the Albertans would like it, but they could do it under this act.

It ignores the constitutional age requirements; it ignores the constitutional property qualification requirements; and it utterly ignores the Quebec districts. Let me tell you, the notion of a province-wide election where the majority of voters in Quebec are electing representatives for individual districts strikes me as profoundly undemocratic. Never mind; the Prime Minister has this obsession and so he wants to barrel on with it, however bad it may be.

What is really odd is that there are, in fact, things we could do to improve this institution without going into the dreadful constitutional quagmire that Mr. Harper proposes.

I hope to speak at some other time on what I believe to be Senator Segal's ill-advised motion. For things we could do, I refer honourable senators to the interesting paper that Senator Hays produced for us last spring. It was the last part of his long and impressive legacy in this place, and it contained a number of extremely interesting proposals.

Senator Tkachuk: Much like his report.

Senator Fraser: Senator Hays knows that I do not agree with everything he proposed.

Senator Tkachuk: Of course not.

Senator Fraser: But I do agree with a number of things he has proposed and I think we could do them. Some we could do by unilateral changes to the Constitution under Section 44 within Parliament, and some we could do by changing the rules. Why do not we act on those things?

For example, we could abolish the property qualification unilaterally — the archaic, embarrassing, property qualification for senators. We could do this for every province except Quebec. I am willing to bet that if we were to open negotiations with the Province of Quebec for a bilateral amendment simply involving the property qualification, we would be able to achieve that. We may not be able to, but it would be worth a try. We could certainly get rid of it for every other senator.

We could reform our attendance rules. At the moment, senators must be absent for the whole of two sessions of Parliament — in the normal run of things, that is four years — before they lose their seat. I do not think that is a defensible rule.

We could change it and we should change it. I suggest as a starting point for discussion, that if senators are absent for the whole of one session or for the whole of one year, whichever comes first, they could lose their seat.

We could address the question — current right now — of vacancies in the Senate. We could oblige the Prime Minister to advise the Governor General to fill vacancies in this place within 180 days of their occurring.

We could address the oath of allegiance. I tend to agree that it is, again, archaic that the only oath of allegiance we take when we come here is to the Queen. The Queen is the head of state of this country and I was proud to swear allegiance to her, but we might also swear to uphold the Constitution of Canada.

• (1450)

We could contemplate the method of selection of senators without getting into constitutional amendments. We could do it by pure convention. Senator Hays suggests an appointments commission on the British model. I am not at all persuaded that that is the way to go in a chamber that has a limited membership such as ours. The British do not have limited membership in the House of Lords and that makes an inherent difference in the dynamic of the two chambers.

However, as Senator Hays suggests, there could be a convention adopted tomorrow that after the government party has achieved a moderately comfortable majority in this chamber — say 55 per cent of the seats — future appointments to this place would be based on consultation with the Leader of the Opposition and no more than two thirds, or a 60/40 split of those of the seats to be filled after that, would go to representatives of the government. There is no need to actually change the law, I do not think, to do that.

Senator Hays also had an interesting suggestion for dispute resolution, which, as the Honourable Stéphane Dion has suggested, is one of the biggest problems we have in this place. Where we have amended a bill and the other place has refused our amendments, Senator Hays suggested a joint conference of the two chambers within 20 sitting days, to be followed by a report back to each chamber within 10 days, to be voted upon within another 20 days. If there were still no agreement, the government could reintroduce the bill. The details of that mechanism are interesting but not essential. The point is that we should address the recommendation.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Fraser: May I have leave for a very few more minutes, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Five minutes, Senator Fraser.

Senator Fraser: Thank you very much, honourable senators. I must say that it is delightful to see the attention being paid to this by senators opposite.

On a more minor level, we could certainly tidy up some of the language in the Constitution that affects matters, for example, such as saying a senator loses their seat if they become bankrupt or are suffering from insolvency or being a public defaulter. Senator Hays suggested deleting the references to insolvency and being a public defaulter, and that seems to me sensible. I should also really like to tidy up the language about infamous crimes and felonies, grounds for losing a seat if a senator commits an infamous crime or felony or treason. Senator Hays, who is a lawyer, unlike me, had some sensible suggestions on that ground.

Senator Hays also suggested that senators should elect our Speaker. I know there is substantial support for that. As long as we are an appointed chamber, I believe we should probably continue to have an appointed Speaker because the nature of elections is that those elected assume power. One of the most interesting features of this chamber is that our Speaker, unlike the Speaker in the other place, does not have absolute power. This chamber can vote to overturn the Speaker's rulings because that is the nature of the body that we are.

If we ever get an elected chamber — although I do not see much appetite in the public for a twin of the House of Commons — that will be the point at which we should contemplate electing our Speaker.

Finally, although I do hope to speak to this issue later, but since Senator Segal is listening so attentively, let me say that I am mystified why his proposed motion about a referendum contemplates only abolition and not reform, not either the "reforms" that his leader proposes or the other reforms that I have suggested. The only option he would offer is abolition. That seems to me to be putting several carts before a great many horses.

Therefore, honourable senators, I found the Speech from the Throne a disappointment in general and in particular on those grounds. That said, I will await with interest others' comments on other elements of it.

On motion of Senator Hubley, debate adjourned.

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-201, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Segal*)

He said: Honourable senators, I have no intention of repeating the arguments I made when this bill was first introduced as Bill S-217. When it passed second reading in the previous session, it was referred to committee. I deeply appreciate the time spent by committee members from the minority and the majority who interviewed witnesses and made recommendations for change. Time ran out, just barely, and the previous bill did not get out of the committee room before prorogation. I understand their constraints. They were, after all, dealing with a government budget and other pressures, and I very much appreciate the time that they put into this bill and the opportunity to reintroduce it as Bill S-201.

The amendments made by the committee, which, it struck me, were thoughtful and well considered, have now been incorporated into the bill that is now being presented for your consideration. My arguments now are the same as they were then. The surrendering, in the 1970s, of Parliament's pre-control of government expenditure, bringing in of the deemed-to-be-reported rule where the estimates committee has spawned a backward looking accountability process that in no way serves the Canadian taxpayer or any government's accountability at any time.

Retroactive reporting and assessing serves little purpose, provides ammunition for finger pointing and blame, and does nothing for timely corrective parliamentary action. The notion that a corporation the size of Canada's government is not able to track, in real time, its expenditures, and when necessary apply remedial action to potential spending in year, is unthinkable in the world of business. How can we promote confidence with the Canadian taxpayer and assure them that their dollars are being managed prudently if we have no controls as parliamentarians whatever while the money is actually being spent.

I made my arguments regarding this inequity in June of 2006. At that time, this chamber, in its wisdom, saw fit to refer this bill to committee, and for that I am grateful. I ask that the same consideration be given to Bill S-201, and that when a committee is formed and adopted and put into place the matter be considered on its merits at that time.

On motion of Senator Comeau, debate adjourned.

• (1500)

[Translation]

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, for second reading of Bill C-293, respecting the provision of official development assistance abroad.
—(Honourable Senator Dallaire)

Hon. Roméo Antonius Dallaire: Honourable senators, I am pleased to continue the speech I started yesterday at second reading of Bill C-293, respecting the provision of official development assistance abroad.

I would like to take this opportunity to restate the subject of my speech as part of our deliberations this afternoon to enable the new senators sitting on the committee, Senators Jaffer, Rivest and Nolin, to continue studying the issue, a process that was started in committee last session.

[English]

Honourable senators, the peer review report of Canada's development assistance programs that was prepared by the Organisation for Economic Co-operation and Development's Development Assistance Committee was released last Friday in a rather timely fashion. The following countries are members of the Development Assistance Committee: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States.

This is not an insignificant group of developed countries. They are very much committed, one would hope, to the advancement of international development and to the overall objective of the 0.7 per cent of GDP target.

The DAC produces an evaluation of the development assistance programs of each of its member countries every four or five years.

In this new report on Canada the DAC found, among other things, that Canada needed to:

Strengthen the mandate for development cooperation and for CIDA.

The committee further outlined Canada's need to:

Produce a policy for development cooperation which focuses on reducing poverty.

It was noted in the DAC report that Canada's ODA is adversely affected by frequent changes in political circumstances; that is, changing ministers every two weeks, or thereabouts, with their introduction of priorities. CIDA seems to be a training ground, a place of on-the-job training for junior ministers from one government to another.

How can we ensure that CIDA has a more stable mandate when ministers change that often? Is there another tool we might be able to introduce to assist both CIDA and the minister in accomplishing their missions, perhaps to offer some depth and continuity to the program? By giving CIDA a legislative mandate, this might be one methodology to achieve this end. This is exactly what Bill C-293 proposes to do and places the focus on poverty reduction, as recommended by the DAC. This is not a major reform of CIDA; it is a refocusing or step in that direction.

Honourable senators, both the OECD and the UNDP's Millennium Project have specifically called on Canada to give its ODA the direction that this bill intends. These must be considered strong recommendations in favour of this bill. Money must be focused on poverty reduction.

Alleviating international poverty is not a partisan issue. In recent years, all parties have called for legislation making poverty reduction the goal for Official Development Assistance. When our current Prime Minister was in opposition, he called for such a bill in the context of reporting and accountability.

In addition to giving the mandate of poverty reduction to our ODA, this bill calls for greater accountability of CIDA. This is crucial to ensure that the goal of poverty reduction is met. CIDA would not be more bureaucratic. Heaven forbid; that would be disastrous. We do not want or desire to introduce methodologies to stymie the current trickle of international development by creating an increased overhead, particularly in Ottawa. On the contrary, this proposed legislation should ensure better and timelier reporting from CIDA, not more reporting.

If one reads the bill, one will see that one report per year is requested from the minister responsible for ODA in the six months following the end of the fiscal year. In addition, the bill makes provision for a statistical report on disbursement of ODA that may be submitted up to one year after the end of the fiscal year. These provisions allow plenty of time for CIDA to prepare these two reports. These are the ways to hold the minister

[Senator Segal]

and the department accountable before parliamentarians. The Minister of Finance is responsible for a third report discussed in this bill, which is a report on Canada's activities at the Bretton Woods institutions.

Demanding these reports is in no way excessive or superfluous. It simply and essentially ensures that parliamentarians and the Canadian public have the tools to discuss Canada's Official Development Assistance with all the correct information. This is not available at this time.

There are points raised in regard to free markets, economic growth and poverty reduction, including their possible links. I will address arguments that favour principles of free markets and economic growth over principles of poverty reduction.

While free market principles play an undeniable role in lifting countries out of poverty, we know that without other measures such as the intervention of the state — these principle will not have a beneficial effect on all classes of society and will not automatically contribute to bettering the standards of living of the poor.

The middle class is an example. To illustrate my previous point, new research on the rise and decline of middle class around the world has proven the importance of this class to the economic prosperity and political stability of countries. While middle classes in most Western countries are in decline, such as in Canada, the U.S., and others, there is a rise in the number of people identified with the middle class in up-and-coming countries such as India and China.

American economist Steven Pressman stated in a recent paper that the single most important factor in the survival and stabilization of a middle class of beneficial size is a state policy regarding income taxes and redistribution of wealth. In a world in which the free market is the backdrop, a large middle class is created and upheld by government policies. Without these policies, most middle class people would fall into the lower-class category, while a small portion would move upward to the upper class, thereby widening the gap between the rich and the poor.

The purpose of my digression is to alert honourable senators to the importance of state policies in creating conditions for economic fairness and thus reducing poverty and creating stability in a country. It is not enough to promote economic growth. Aid must, among other things, contribute to encouraging developing countries, to put in place such policies aimed at the redistribution of the wealth. The situation in Darfur is primarily the result of that country not receiving the benefit of its own wealth. That poverty has led to friction, conflict and genocide.

Honourable senators, I believe that the goal for our Official Development Assistance should not be termed "wealth creation" or "economic development," or something to that effect. Development is not simply a matter of inducing economic growth in a country; it requires a broad range of policies and programs in order to be successful. Thus, I strongly believe that we must use the term "poverty reduction." We must not camouflage or reassess this subject. We must hit the target, the poor, in stating our goal for Official Development Assistance. That is our true aim. That will put the focus on those whom we seek to help; the poor.

If we use a term such as "wealth creation," it would not guarantee that our ODA would be used to better the living conditions of the poor; it would only guarantee that wealth would be created, with no consideration for those who would benefit. Under this type of mandate, the rich may well get richer and the poor become relatively poorer, but it could still be considered as wealth creation.

• (1510)

Wealth creation is not simply a more positive way of saying "poverty reduction." The creation of wealth sometimes leads to consequences that worsen or do not improve the standard of living of the poor. We have seen a number of imploding nations whose misdistribution of wealth and aid in the pockets of certain have in fact created conflict and outright humanitarian disasters.

The creation of wealth is, however, an important part of a holistic development strategy and should receive ODA funding. However, it cannot be the only goal of ODA, and it must be done in a manner consistent with the aim of poverty reduction. It must be pro-poor growth.

Let me affirm also that poverty reduction is by no means a limiting term. Programs aimed at environmental sustainability, wealth creation and education, just to name a few, can all contribute to poverty reduction, but they must be evaluated with this objective in mind: Reduce the value, reduce the scale, reduce the suffering, reduce the inequality of resources in countries and reduce the poverty.

By giving CIDA a mandate for poverty reduction and by specifically using that term, we will ensure that CIDA can use a broad range of approaches to better the living conditions of the poor and ultimately achieve the development of that nation.

New priorities have also a significant impact on ODA. While I condemn the government for seemingly dropping Africa from its priorities in favour of the Americas, and for thinking that it could not actually pursue both causes at the same time, I should like to state that this bill will not hinder a Canadian commitment to Afghanistan nor to the Americas; rather, it would ensure that the money coming out of the aid development that is spent there would actually be spent on aid and in the interest of the poor.

Obviously, money is needed to develop other areas, such as peace and security in Afghanistan and the Americas. This money should not, however, come from the budget allocated by parliamentarians for Official Development Assistance. A clear focus on poverty reduction, such as the one proposed by this bill, will ensure that aid money goes to aid in Afghanistan, in the Americas and anywhere else we provide ODA.

It is no secret that poverty and despair fuel terrorism, and it is crucial to note that, with regard to Afghanistan, this has certainly been one of the dimensions. Darfur, if we ever decide to go there, might in fact also be an example that we might want to use. It is therefore only logical to combat terrorism, not only with force but also by striving to eradicate poverty. This bill is therefore well in tune with Canada's role and objectives in that country. If we want to do more, then you allot more, but you do not take from what you have when you can actually focus it to handle one significant dimension of the problem.

[Translation]

I would like to say a few words about the background or historical context of Bill C-293.

This is not the first time, honourable senators, that such a bill or such recommendations have been presented to our Parliament. In 1987, parliamentary committees and the Auditor General looked into Canadian assistance to developing countries and the role of CIDA. All these reports were clear. Starting in 1987, the goal of reducing poverty became increasingly clouded by foreign policy objectives and these reports called for greater clarity in our official development assistance mandate.

Allow me to give a few examples: in 1987, the House of Commons Foreign Affairs Committee published a report on official development assistance in Canada, better known as the Winegard Report, since the committee was chaired by William Winegard from the Progressive Conservative Party.

This report recommended the creation of a development charter, which would form the backbone of a legislative mandate for development assistance. This charter had to contain the following principles: first, the primary purpose of development assistance is to help the poorest countries and people of the world; and second, development priorities should always take priority over foreign policy objectives.

In 1994, a report by the Special Joint Parliamentary Committee reviewing Canadian Foreign Policy recommended, once again, having legislation setting out basic principles in order to guide official development assistance and to clarify CIDA's mandate.

In 1998, the Auditor General's Report on CIDA encouraged the department to provide a better indication of the potential impact of its activity, since the reports were not submitted systematically, so it was difficult to see what had truly been accomplished over the year, which led to a lack of clarity.

In 2002, the report of the OECD's Development Assistance Committee was particularly critical of Canada. I quote:

Poverty reduction is not necessarily treated as the overarching goal.

Thus, in 2002, the OECD committee recommended that Canada make the reduction of poverty a principal objective:

It will need to be mainstreamed throughout the agency with a clearer message of CIDA's mandate, stronger leadership and a more rigorous monitoring system.

It also indicated that the United Kingdom was a model that Canada should emulate to create legislation aimed at reducing poverty. One of the principal authors of this methodology in the United Kingdom appeared before the committee last spring.

In 2005, this legislation received multi-party support, which was manifested in an open letter sent to the Prime Minister of the time, the Right Honourable Paul Martin, on February 17, 2005. That letter, written by the Bloc Québécois, the NDP, and the Conservative Party — and signed by Mr. Harper himself — called on the government of the day to implement a legislative

framework that would establish poverty reduction as the ultimate goal of development assistance.

This is not ancient history. It happened just before this government took office and it was the position taken by its current leader. We can assume that there is consistency in his philosophy regarding the matters he dealt with at the time.

[English]

I will come back to this letter. More specifically, the letter states — and I quote:

The legislation should include an unequivocal statement of purpose that poverty-reduction is the central lens through which Canada's aid program should be delivered. Key elements of a legislated mandate must include mechanisms for monitoring; accountability and reporting to Parliament; and enhanced public transparency.

This is in line with what has been espoused by the current government.

Such legislation would increase the effectiveness of Canada's aid contributions and consolidate public support for this important work.

Honourable senators, if the 1987 Winegard report was the first document that called upon our government to look into the allocation of foreign aid in developing countries, then we can affirm that this bill builds on 20 years of reflection and discussion on the importance to have a clearer aid mandate that will really be contributing to poverty reduction.

There is similar legislation in other countries stating poverty reduction as the goal of ODA already exists. We have seen that the United Kingdom is already a leader in this area, and the OECD tells us that we should learn from them.

• (1520)

The U.K. is joined by Sweden, Switzerland, Spain, Luxembourg, Denmark and Belgium to introduce legislation that limits ODA to poverty reduction purposes and to differentiate ODA from other foreign assistance envelopes. Bill C-293 builds on those models. Why adopt this bill, if that question is still on the table.

Out of nearly 200 recognized states, we are the world's ninth economic power. We are a leading middle power in the world. In addition, we are the only G8 country that can boast the success of having balanced books. We have a history of that now, and it is continuing. There is no stress on the economic depth of this nation. These facts give us a role of leadership in the world, if only we take it. However, with leadership comes responsibility, and maybe that is what we are afraid of.

Including helping the economically disadvantaged in other countries, Canada could reduce the tensions, conflict and humanitarian disasters that cost much more than investing in international development to preclude, to obviate, to prevent, in a fashion, some of these catastrophic failures by investing properly in the near term. Canada should lead by example and be a model for other countries to adopt such legislation. We should not aim

to be the last developed country to do so. It has been debated in our Parliament for the past 20 years, but there has been no real leadership to implement this proposal.

This bill has extensive grassroots support from several civil society organizations, including the Canadian Council for International Co-operation, which is comprised of more than 100 voluntary-sector organizations. At times, one might think that this support is a disadvantage. We must recognize that the NGO world is growing in power, strength and will become a significant factor in how policies and decisions will be taken in the future.

Moreover, Bill C-293 is backed by a worldwide movement that stated in 2005 that it is against world poverty. Make poverty history: This campaign has urged the Canadian Parliament for increased aid and to enact legislation to make ending poverty the exclusive goal of Canadian foreign aid.

On October 16 and 17, 2007, I joined a group on Parliament Hill demonstrating to pressure the government to make poverty history. Many members of the Liberal Party, including its leader, attended and were seen encouraging people on the Hill in an activist and peaceful way, to advance this dossier. Thousands in Canada and millions worldwide participated in this global day of action against poverty.

The number of youths committing themselves is interesting. The youth of this country are those 18 to maybe 25, if we use the United Nations definition. If one day those youth decide to coalesce and vote, they would change the nature and face of politics in this country for a long time.

To summarize, Bill C-293 strives to give a clear focus on poverty reduction to the Official Development Assistance provided by Canada, a focus that is currently lacking. It also details measures for accountability whereby the minister responsible is required to report to Parliament on the activities of CIDA. Finally, it states the minister shall consult with governments, NGOs and even with the clients.

ODA at home and around the world has been serving increasingly donor interests rather than the interests of the poor. We must flip this trend on its head and make aid about the needs of the poor. Failing to do so demonstrates that our country has not matured enough to put the neediest before, possibly, its self-interest, or the interest of those who espouse it and, what is more, does not have the integrity to allocate aid relative to its true purpose: helping the poor.

Honourable senators, no matter how much technological advancement we are able to achieve, how much our economies grow or how our work ethic permits this country to continue to be a significant influence, real progress can be measured only in terms of the progress of humanity toward justice. This justice is fundamental to our beliefs, standards, way of life, values, and a fundamental law, even, of this country, the Charter.

We can, therefore, measure our progress only by how well we treat the most vulnerable in society. In Jeffrey Sachs' book, *The End of Poverty: Economic Possibilities for Our Time*, he describes how the global community today has the ability to end global poverty, a worthwhile read.

To think that we could turn away from our ability to end global poverty is, for me, and I hope for all of us here in this chamber, an unbearable thought. Furthermore, it is unjustifiable, if not irresponsible.

Vis-à-vis these absolutely fundamental aims, Bill C-293 is a humble proposal. It is a first step. It is not a massive reform of our development policies. It is not even screaming for us to throw more cash at it. It is the first step to make what is there more responsible and more equitable to the objectives that we should maintain, and that is poverty reduction.

[Translation]

Honourable senators, we do not allocate enough money to international aid or international development, but Bill C-293 gives us an opportunity to make that aid more effective because its aim is to reduce poverty. We must not miss this opportunity to help the most underprivileged people in our world.

In closing, I would like to mention how hard the Committee on Foreign Affairs and International Trade worked on its study of the bill before the summer recess.

This is not an easy issue to deal with, especially when it comes on the heels of the report on Africa and the committee's analysis of CIDA's activities and performance in relation to Canadian funds invested in international development. But I hope that the testimony the committee has already heard will be kept and that the committee can use it in its work.

I therefore hope that the bill will be sent back to the committee as soon as possible and that it will finally have a chance to pay off, thanks to its members' decisions.

On motion of Senator Segal, debate adjourned.

[English]

CANADA PENSION PLAN

SENIORS' BENEFITS—INQUIRY— DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of October 18, 2007:

That she will call the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.

She said: Honourable senators, many seniors across the country rely on the Canada Pension, Old Age Security and the Guaranteed Income Supplement for their income, according to data from Statistics Canada. In fact, these programs account for about 60 per cent of total income for Canadian seniors. Canada Pension entitlements alone make up approximately 25 per cent to 30 per cent of their overall income.

These programs have an impact on the lives of seniors. They are all tremendously worthwhile income supports, but programs such as these are only effective if seniors receive the benefits to which they are entitled.

I want to focus on one program in particular: the Canada Pension Plan, CPP. I was shocked to learn that there are Canadian seniors not receiving benefits from a plan they paid into during their working years.

• (1530)

Indeed, many thousands of Canadian seniors do not benefit from the Canadian Pension Plan simply because they do not know they are entitled to it. CPP benefits are not paid out automatically. Seniors must apply for CPP benefits, but many seniors do not realize that they are entitled and therefore they do not apply.

According to documents received through an access to information request, Human Resources and Social Development Canada estimated that in July 2005 there were as many as 70,000 people over the age of 70 who paid into the Canada Pension Plan, who might still be alive, but who were not in receipt of their CPP retirement benefits. Of those 70,000, 26,000 eligible people were already getting survivor benefits, Old Age Pension or the Guaranteed Income Supplement. So, because they are already getting a payment, the department already knows exactly where they are. It should not be difficult to get these people signed up for their Canada Pension Plan benefits.

Often, the people missing out on CPP benefits are older women who worked only a few years after the pension was introduced. Of the more than 26,000 eligible individuals that I previously mentioned, more than 22,000 are women. They have all contributed to the Canada Pension Plan and meet the criteria for receiving benefits, but, for one reason or another, they have not applied.

In addition to regular CPP benefits, an unknown number of Canadians, mostly women in this case as well, may also be missing out on CPP survivor benefits. These benefits include a death benefit of a maximum of \$2,500, plus a monthly pension paid out to a person who at the time of death is the legal spouse or common law partner of the deceased CPP contributor. Although the benefit exists, many Canadians just do not know that CPP will pay benefits to widows or widowers if their spouse has paid into the Canada Pension Plan.

This lack of knowledge can translate into many seniors doing without. Think about it this way: Even though most Canadians know about the Canada Pension Plan, tens of thousands still do not know they are entitled to benefits and they do not apply. Even fewer Canadians know about CPP survivor benefits, so it is very possible that many more seniors are missing out on these benefits as well.

These problems are further compounded by the plan's retroactivity provisions that come into effect when Canadians apply late for their benefits. Generally, when seniors apply late, the federal government will only pay one year of retroactive benefits — that is, the current month in which the first payment is made, plus the previous 11 months. They cannot receive more than 12 months' worth of retroactive payments, unless they were given erroneous advice by federal officials or because benefits were not paid due to an administrative error. In some cases, this policy can mean a loss of many years' worth of benefits — benefits for which seniors paid with their contributions.

What is essentially a policy issue is made all the more real when you see how an individual is affected. I should like to share one woman's story with you. Her name is Ernestine. She did not apply for her CPP retirement benefits until the age of 91, when her son discovered that she was entitled to Canada pension benefits. When Ernestine applied for her OAS, she could have been told of her CPP benefits, but no one checked to see if she was eligible. According to officials, they assumed she would not have worked because of her age and gender. She had applied for CPP survivor benefits when her spouse died, and again could have been told of her own CPP, but she was not. Because she did not know about her entitlements, Ernestine did not apply for her Canada pension. Ernestine lost out on 26 years of benefits — approximately \$65,000.

As you can see, the limit on retroactive payments has a serious effect on seniors such as Ernestine. It is all the more disconcerting when we consider that retroactivity provisions are not even consistent with other federal contribution-based pension plans in this country. In fact, even the Quebec Pension Plan, which is the equivalent of the CPP in the Province of Quebec, has a retroactivity period of 60 months. It is difficult to believe that these two sister programs have such unequal retroactivity provisions, but they do.

The public service superannuation, which is the pension plan for federal employees, has no retroactivity limits at all. Individuals can claim all of their pension benefits retroactively at any time. Even if an individual is deceased, the pension can be claimed by the estate or through inheritance.

Despite these problems, however, Canadians do have much to be proud of in reducing the poverty rate for seniors. In one generation, seniors have gone from having a poverty rate that was extremely high to one that is below the rate of other Canadians.

However, while there has been much progress, we need to acknowledge that more needs to be done to ensure that seniors are utilizing the support programs that have been put in place. It is not acceptable that seniors who are not getting the benefits to which they are entitled can be in dire circumstances.

In order to think about how we can improve the situation, it is important to look at the current policies of the federal government on advising Canadians of their CPP entitlements.

Application forms are mailed to all Canadians regardless of pension eligibility when they reach 64 years of age. General information on the CPP is also included to OAS recipients with their T4 slip.

The federal government makes general information available about pension benefits through various sources: the Service Canada website; toll-free call centres; the *Guide to Government of Canada Services for Seniors*; and at in-person Service Canada centres. Service Canada is also engaged in regional outreach activities such as setting up booths at trade fairs, advertising in the media, and making presentations to clients and potential clients.

• (1540)

Human Resources and Social Development Canada also has a policy for mailing statements of contributions to clients who specifically ask for them. These statements show their earnings,

contributions and estimates for benefits. However, statements may also be mailed in a targeted manner, generally by age group. For example, last year HRSDC was engaged in a targeted mailing to Canadians over the age of 70 who were eligible for CPP. They sent these seniors a letter explaining their status and an application to apply. Out of the more than 20,000 letters mailed, only 1,877 applications were returned. Less than 10 per cent of seniors applied for the CPP that they should be getting. It is clear that a letter is not sufficient, and that the federal government needs to find more effective ways to reach out to seniors.

As for the survivor benefit, the department relies mainly on funeral service providers to inform families about benefits and provide application forms. There again, as with CPP benefits, information can be found on the Service Canada website; by calling the CPP toll-free call centres; and in the *Guide to Government of Canada Services for Seniors*.

While the federal government is making some inroads, it is evident that more can be done by looking at what is happening in the province of Quebec. I found it very interesting to learn that virtually all eligible seniors are registered in Quebec for the Quebec Pension Plan. This is because the Quebec government has taken it upon themselves to seek out and register all seniors who should be receiving benefits. I am told that Quebec officials will even phone and knock on doors to find seniors who should be getting their retirement benefits. Even better, they have integrated computer files across government programs, making it easier to identify seniors who are missing out and to sign them up.

Honourable senators, it is clear that there are still significant problems in ensuring that all our seniors receive their benefits.

Some progress has been made to assist Canadian seniors. As honourable senators know, Senator Downe has been a strong advocate for eligible low-income seniors who have not been receiving the Guaranteed Income Supplement. He introduced an inquiry on this subject in 2004, and some of us spoke during that debate. Senator Downe has been pushing for changes ever since, and some results have been seen.

In addition, Bill C-36 received Royal Assent in May of this year. Among other things, this legislation will simplify the application process so that seniors can apply for their Guaranteed Income Supplement when they apply for Old Age Security.

Honourable senators, this is all good news. However, we need to do more to ensure that seniors receive the benefits to which they are entitled. I have written to the Honourable Monte Solberg, Minister of Human Resources and Social Development, to outline my concerns and to urge him to work quickly to find solutions to these problems. I also believe that the Standing Senate Committee on National Finance would be well placed to study this most pressing issue in the context of its normal examination of departmental activities through the estimates process. I suggest that the committee consider examining this issue with a view to bringing forth recommendations on how the government could be more proactive in its outreach activities, and how it could address retroactivity limits for those seniors who apply late for benefits.

In the end, the federal government must work much harder to reach out and solve these problems. The Canada Pension Plan contributors paid into the program. It is simply not acceptable that there are seniors living in this country who are not receiving benefits to which they are entitled. We must do better.

On motion of Senator Robichaud, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 30, 2007, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 30, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(2nd Session, 39th Parliament)

Thursday, October 25, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18							
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
-----	-------	-----------------	-----------------	-----------	--------	-------	-----------------	------	-------

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							

CONTENTS

Thursday, October 25, 2007

	PAGE		PAGE
SENATORS' STATEMENTS		Access to Information	
Kyoto Protocol		Disclosure and Response to Requests.	89
Hon. David Tkachuk	87	Hon. Jim Munson	90
Canadian Federation of Students		Hon. Marjory LeBreton	90
Meetings with Parliamentarians.		Proposed Public Interest Override.	90
Hon. Catherine S. Callbeck	87	Hon. Joan Fraser	90
Hon. Hugh Segal	87	Hon. Marjory LeBreton	90
		Fulfillment of Campaign Promises.	90
		Hon. Lorna Milne	91
		Hon. Marjory LeBreton	91
Health		ORDERS OF THE DAY	
Government Response to Social Affairs, Science and		Criminal Code (Bill S-3)	
Technology Committee Report on Funding for Treatment		Bill to Amend—Second Reading—Debate Adjourned.	91
of Autism.		Hon. David Tkachuk	91
Hon. Jim Munson	88	Speech from the Throne	
ROUTINE PROCEEDINGS		Motion for Address in Reply—Debate Continued.	95
Canadian Position with Respect to the Maritime Labour		Hon. Joan Fraser	95
Convention 2006		Financial Administration Act	
Tabled.		Bank of Canada Act (Bill S-201)	
Hon. Gerald J. Comeau	88	Bill to Amend—Second Reading—Debate Adjourned.	97
		Hon. Hugh Segal	97
		Development Assistance Accountability Bill (Bill C-293)	
		Second Reading—Debate Continued.	98
		Hon. Roméo Antonius Dallaire	98
QUESTION PERIOD		Canada Pension Plan	
The Honourable Michael Fortier		Seniors' Benefits—Inquiry—Debate Adjourned.	101
Alleged Conflict of Interest.		Hon. Catherine S. Callbeck	101
Hon. Grant Mitchell.	88	Adjournment	
Hon. Marjory LeBreton	89	Hon. Gerald J. Comeau	103
Hon. Yoine Goldstein.	89	Progress of Legislation	i



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 7

OFFICIAL REPORT
(HANSARD)

Tuesday, October 30, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, October 30, 2007

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of Her Excellency Katalin Szili, Speaker of the National Assembly of the Republic of Hungary. Her Excellency is accompanied by some members of Parliament of the Republic of Hungary. Also in the gallery is His Excellency Pal Vastagh, Hungary's Ambassador to Canada.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

THE LATE CAPTAIN MATTHEW DAWE

Hon. Hugh Segal: Honourable senators, when we reconvened on October 17, after prorogation, we stood in silence out of respect for the soldiers, all volunteers, whom we have lost in Afghanistan. One of the young men we saluted was Captain Matthew Dawe, whose life was taken on July 4, 2007, when a very large improvised explosive device, IED, destroyed an armoured vehicle and all who served in it.

I rise today to reflect on the qualities that this young man brought to the service of our country and what that kind of loss means for all of us who believe in Canada and Canada's role in a troubled world. Matthew Dawe was one of four brothers, all of whom have served in our military. He graduated from Royal Military College and was a platoon commander from the 3rd Battalion, Princess Patricia's Canadian Light Infantry. He was a father, husband, brother, son and an inspiration to all with whom he came into contact. His leadership, decency and humane commitment to his unit, his soldiers and the people of Afghanistan were remarkable and infused his every gesture.

His father, a former high-ranking Canadian Forces officer, and his mother, a vital part of Kingston's health care community, spoke at the funeral, as did his comrades, brothers and young widow, with a courage, grace and clarity that inspired the more than 2,000 people at the service.

• (1405)

As Captain Dawe was a graduate of the Royal Military College, the funeral procession that brought him to the service passed through the RMC Memorial Arch. As the procession proceeded to the cemetery along Highway 401 after the service, overpasses

and roadsides were lined with fellow Kingstonians and Canadians who wished to salute this young hero and his family for their unspeakable sacrifice and loss.

Soon parliamentarians and officials will be seized with the dynamics of our future role in Afghanistan. Whatever our respective views on that discussion or the material essential to those who serve there still in our name, we must keep before us the kind of sacrifice men and women wearing the Canadian flag on their shoulders have made and are prepared to make in that cause.

There would be few we might mention or know in our lives that had a brighter future than Captain Matthew Dawe. It is both the ultimate irony and supreme indication of loyalty and service that he laid down his life for the future of a people he had never met, the Afghans, the right of Afghan boys and girls to go to school and the greater security we all share in our country through a stable Afghanistan.

This Remembrance Day will be especially difficult for those whose recent losses in Afghanistan make the wounds deep, fresh and particularly painful. As honourable senators think of the Dawe family today, let us reflect as well on the other families to whom we all owe so much.

THE HONOURABLE BERT BROWN

WELCOME TO THE SENATE

Hon. Tommy Banks: Honourable senators, through Her Honour, I wish to add a personal welcome to our Magyar guests from Hungary, remembering many happy times I spent in Budapest where I had the pleasure of performing. I extend my welcome to them through Your Honour.

Honourable senators, I wish to take a moment today to redress the fact that I have not had the opportunity to welcome our new Senator Brown from Alberta to this place. I add my voice to those who have congratulated him.

While from time to time Senator Brown and I will agree on issues having to do with the West and Alberta in particular, we may also disagree slightly on occasion.

I also add my voice to those who have pointed out that no one is more deserving of being here than Senator Brown. He has had made an effort over a long period of time which none of us has done. Notwithstanding the fact that we were all appointed by the Governor General, the route by which that happened for Senator Brown is very different.

I welcome Senator Brown and look forward to working with him. I am particularly pleased that he will be a member of Standing Senate Committee on Energy, the Environment and Natural Resources, when we pass the motion of the Senate Committee of Selection, as I hope we will today.

INTER-PARLIAMENTARY UNION AND UNITED NATIONS COOPERATION

Hon. Donald H. Oliver: Honourable senators, on October 24th, Canada and the world celebrated United Nations Day. On this day every year since 1948, exactly three years after the United Nations Charter was ratified by the five permanent Security Council members as well as Canada and the other 45 original signatories, the world has recognized the invaluable work that the United Nations does to bring about international peace and understanding.

Over the course of the past 60 years much has changed at the United Nations. One change is the role that parliamentarians now play in the world body. Consider, for example, that on November 19, 2002, the Inter-Parliamentary Union — the IPU — was granted observer status by the General Assembly. The IPU is the international organization based in Geneva that represents 144 countries; it promotes worldwide parliamentary dialogue for peace and cooperation among peoples and for the firm establishment of representative democracy.

Observer status will allow the IPU the opportunity to provide greater parliamentary contributions and support to the UN. This will enable a greater role for the IPU to support the UN Economic and Social Council and the UN Democracy Fund, and to foster greater cooperation in the realms of democracy and good governance with members of the United Nations General Assembly.

Honourable senators, on November 26, 2006, the UN General Assembly's resolution 61/6 allowed the joint IPU-UN meeting, called the Annual Parliamentary Hearing at the UN, to become a regular feature of the program of events during General Assembly sessions.

• (1410)

In return, the IPU now has a new UN committee called the IPU Committee on United Nations Affairs. Its mandate is to improve relations and dialogue between the two organizations. Next month in New York, the 2007 Parliamentary Hearing will bring members of parliaments from around the world to the United Nations Headquarters for an interactive discussion with high-ranking UN officials.

This year's meeting is scheduled for November and is called "Reinforcing the Rule of Law in International Relations: The Key Role of Parliaments." Discussion topics include disarmament and non-proliferation, terrorism, and international criminal justice.

Honourable senators, this is a great opportunity for parliamentarians from around the world to strengthen their ties with the UN.

THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON RECEIVING
HONORARY DOCTORATE OF LAWS DEGREE
FROM SAINT MARY'S UNIVERSITY

Hon. Gerard A. Phalen: Honourable senators, it is with great pleasure that I rise today to congratulate my friend and seatmate, and our colleague, Senator Wilfred Moore on receiving an

Honorary Doctorate of Laws degree from Saint Mary's University this past Sunday. Senator Moore was recognized for his lifetime of service to his university, Saint Mary's; to his city, Halifax; and to his province, Nova Scotia.

In service to Saint Mary's University, Senator Moore had worked tirelessly in such positions as Chair of the Advisory Committee to the President, and for 10 years as a member of the Board of Governors.

In service to his city of Halifax, Senator Moore had served as a Halifax alderman, Deputy Mayor, Founding Director and Chairman of the Halifax Metro Centre and Chairman of the Social Assistance Appeal Board for Halifax and Dartmouth.

In service to his province of Nova Scotia and, for that matter, to Canada, Senator Moore served for 10 years as Chairman of the Bluenose II Preservation Trust. Senator Moore has also served his province of Nova Scotia, and of course his university, by his service in this institution. I am sure that most of you have been cornered in these Senate hallways more than once by Senator Moore in his quest for post-secondary education funding.

Honourable senators, it was truly a treat for my wife and me to attend the convocation ceremony at which Senator Moore received this degree. I would like to close now by quoting from Chief Justice Joseph Kennedy's speech about Senator Moore at the convocation ceremony. He said, "What his curriculum does not capture, cannot capture, about Willy is his passion. There are some people who, quite simply, care more than others and do more than others." That, honourable senators, quite simply, describes our colleague Willy Moore.

[Translation]

ROUTINE PROCEEDINGS

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

GOVERNMENT RESPONSE TO REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, pursuant to rule 28(3), the government's response to the eighth report of the Standing Senate Committee on Official Languages tabled on May 17, 2007, during the Senate's previous session.

THE ESTIMATES, 2007-08

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (A) 2007-08, for the fiscal year ending March 31, 2008.

CORRECTIONAL INVESTIGATOR

[English]

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of the Correctional Investigator.

**JAMES BAY AND NORTHERN QUEBEC AGREEMENT
NORTHEASTERN QUEBEC AGREEMENT**

2000-01, 2001-02, 2002-03 ANNUAL REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2000-01, 2001-02 and 2002-03 annual reports of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement.

AUDITOR GENERAL

OCTOBER 2007 REPORT TABLED

The Hon. the Speaker pro tempore: Honourable senators, I have the honour to table, in both official languages, the 2007 annual report of the Auditor General of Canada pursuant to section 7(1) of the Auditor General Act.

• (1415)

[English]

**COMMISSIONER OF THE ENVIRONMENT AND
SUSTAINABLE DEVELOPMENT**

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker pro tempore: Honourable senators, I have the honour to table, in both official languages, the 2007 annual report of the Commissioner of the Environment and Sustainable Development to the House of Commons.

[Translation]

THE ESTIMATES, 2007-08

NOTICE OF MOTION TO AUTHORIZE
NATIONAL FINANCE COMMITTEE
TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2008.

INCOME TAX AMENDMENTS BILL, 2006

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-10, An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-11, to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

**BANKRUPTCY AND INSOLVENCY ACT
COMPANIES' CREDITORS ARRANGEMENT ACT
WAGE EARNER PROTECTION PROGRAM ACT**

BILL TO AMEND—FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-13, to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

FIRST READING

Hon. Pat Carney presented Bill S-215, An Act to protect heritage lighthouses.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carney, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

ACCESS TO INFORMATION ACT CANADIAN WHEAT BOARD ACT

BILL TO AMEND—FIRST READING

Hon. Grant Mitchell presented Bill S-216, to amend the Access to Information Act and the Canadian Wheat Board Act.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Mitchell, bill placed on the Orders of the Day for second reading two days hence.

THE SENATE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I give notice that two days hence, I will move:

That a Special Committee of the Senate be appointed to consider any matters relating to anti-terrorism that may be referred to it by the Senate from time to time;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Kinsella, Andreychuk, Nolin, Day, Fairbairn, P.C., Fraser, Jaffer, Smith, P.C., and Joyal, P.C., and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the papers and evidence received and taken on the subject by the Special Senate Committee on the Anti-terrorism Act during the First Session of the Thirty-Ninth Parliament be referred to the Committee.

• (1425)

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—TREATMENT OF DETAINEES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Earlier this year, the Government of Canada was accused of transferring Afghan detainees to local authorities. The detainees were allegedly beaten, mistreated and tortured in Afghan prisons.

When the situation was brought to light, the government found itself in a tight corner. The Minister of Defence guaranteed that the situation would be resolved. Last May, a new agreement was signed with the Karzai government allowing Canadian inspectors to verify that detainees were treated humanely. However, yesterday the media reported, in an article on failures in Afghanistan, that prisoners captured by Canadians continue to be tortured, beaten and mistreated by Afghan forces, which is completely unacceptable.

What concrete measures will the government take to put an end to this situation immediately?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to point out again that these statements are allegations. The government knows that we can periodically expect to hear these allegations because we also know that allegations like these are standard operational procedure of the Taliban.

As the honourable senator knows, and as she mentioned in her question, we now have mechanisms in place to monitor and follow up Canadian-transferred Taliban prisoners. As I explained previously, in May, we enhanced an arrangement with the Government of Afghanistan that improved the December 2005 arrangement of the previous Liberal government regarding the transfer of Taliban prisoners. Canada respects its international obligations, and we expect the Afghan government to do the same. This agreement ensures that transfer can take place.

[Translation]

Senator Hervieux-Payette: Honourable senators, in my opinion the current situation is serious. We must be able to ensure that the Geneva Convention is observed.

These are not Taliban allegations. Our journalists are professionals and know the difference between rumours and facts verified by investigation.

There is talk of nails being torn out, electric shock, detainees hung by their hands that were tied behind their backs. They also mention the cold, because in the prisons in question, the windows do not have any glass. The Canadian Forces could certainly resolve this problem quite quickly.

What does the government intend to do, after investigating, to ensure that the agreements signed earlier this year are respected?

[English]

Senator LeBreton: Honourable senators, my answer will not change. These accusations, of course, are allegations. We are proud of the agreement that we signed with the Afghan government. It is, and has been applauded as, one of the best agreements among NATO countries. As *The Globe and Mail* said on May 4, 2007, it transforms Canada into the standard-bearer of all foreign countries in the monitoring of transferred prisoners in Afghanistan. Therefore, honourable senators, the government and, I am sure, the Canadian public are proud of the work our troops are doing in Afghanistan in helping the people to live in a democratic and secure country, and in combating the Taliban, who are renowned for their trampling upon individuals' human rights.

Hon. Lorna Milne: Honourable senators, I have a supplementary question. If I may take the leader up on her word, she said that we are proud that the Canadian soldiers are standard-bearers there, and I sincerely hope so.

I also hope the minister has weighed her words carefully because the Red Cross has contradicted this government's statements before and so did the Chief of the Defence Staff. Even deputy ministers have tried to correct the record on what the government says. How can Canadians believe anything that comes from this government about what is going on in Afghanistan?

Senator LeBreton: Honourable senators, the honourable senator is referring to old news stories. The government takes all matters seriously.

It is well-known, and there is documented proof, that the Taliban train their people to make accusations such as these, if they become prisoners.

• (1430)

Senator Milne: Honourable senators, the Red Cross, trained by the Taliban, is making these kinds of allegations?

Senator LeBreton: Honourable senators, I did not say that. Senator Milne said that.

FOREIGN AFFAIRS

LICENCES ISSUED FOR REMOVAL OF BULK WATER

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Falling water levels in the Great Lakes are currently a matter of international concern. The International Boundary Waters Treaty Act was amended by the Liberal government in 2001 to permit the Minister of Foreign Affairs to license bulk water removals of more than 50,000 litres, or roughly a container, from the Great Lakes. The Department of Foreign Affairs now requires an environmental assessment of bulk water removals.

Can the Leader of the Government in the Senate ascertain, first, how many licences have been issued and for what amounts; second, when they were issued; and third, how many have proceeded through the environmental assessment process?

I realize, and have indicated to the leader, that I expect some delay in receiving an answer.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not need to delay my answer. The government has absolutely no intention of allowing the export of bulk water.

Senator Carney: Honourable senators, that is not what I asked the leader. I never mentioned the word "export." I simply said that the International Boundary Waters Treaty Act was amended to permit the removal of over 50,000 litres of water. I am asking how many licences have been issued from the year 2001, for how much water, and whether they proceeded with an environment assessment. I never asked about exports.

Senator LeBreton: Honourable senators, I suppose one could split a hair between "removal" and "export."

I will take Senator Carney's question as notice. However, as I stated in my first response, the Canadian government has no intention of allowing the bulk export of Canadian water.

THE HONOURABLE MICHAEL FORTIER

ALLEGED CONFLICT OF INTEREST— USE OF SENATORIAL OFFICE

Hon. Yoine Goldstein: Honourable senators, last Thursday Senator Mitchell asked Senator Fortier to admit that he was using his position as a senator to advance his personal interest in winning the riding of Vaudreuil-Soulanges in the next election. In response, Senator LeBreton said that all of Senator Fortier's activities are funded by the political riding association for the constituency, and that it was typical for senators to assist citizens in accessing government services.

While Senator LeBreton sees this situation as normal, I suggest that it is not. Senators, members of Parliament and members of cabinet are not supposed to discharge their duties from party-funded offices. Doing so gives the impression that the services are not available for all Canadians but only for those who support the party in question.

Honourable senators, I will ask again whether Senator Fortier finds it in any way inappropriate for him to offer his services as a senator from his campaign offices, particularly when an office paid for by Parliament is located down the same street. If Senator Fortier has no problem with this arrangement, can we assume that he asks those companies bidding on contracts with the Department of Public Works and Government Services to meet him at Conservative Party headquarters?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Goldstein has a problem in that he thinks he represents this area. I am sure that if Senator Goldstein would like some particular help from Senator Fortier, Senator Fortier would be happy to provide it.

This activity is completely appropriate. Senator Fortier is not the first person to sit as a senator with the full intention of running for public office when the time arrives. The Liberals' own Bernie Boudreau, who was the Leader of the Government in the Senate, was here in that capacity. He sat here as a senator and, when the election was called, ran for office as a member of Parliament.

• (1435)

When Senator Boudreau was welcomed into Parliament, Senator Lynch-Staunton, the Leader of the Opposition in the Senate at the time, said:

Senator Boudreau is the first senator who, even before being sworn in, announced that his length of stay here will be no longer than the duration of what is left of the present government's mandate.

Hence, it is not unprecedented to have Senator Fortier in the Senate stating that as soon as an election is called he is out of this place campaigning for a seat in the House of Commons.

In addition to setting precedence, since the honourable senator is so concerned with the fact that Senator Fortier is a minister, Minister Boudreau was the Leader of the Government in the Senate and also the Minister of State responsible for the Atlantic Canada Opportunities Agency, ACOA.

Senator Goldstein: That response completely misses the point. Senator Boudreau did not use his senatorial status to run. He resigned and then ran. The Conservatives would ask us to believe that Senator Fortier is trying to do his duty to serve the people of his country by helping those in Vaudreuil-Soulanges to access government services. If Senator Fortier's intention is so noble at heart, why does he work solely from two party-funded offices in Vaudreuil-Soulanges? I am certain the good people of his senatorial district, Rougemont, some 100 kilometres away, would appreciate his opening just one office to serve their needs.

Let us have Senator Fortier answer this question: Will Senator Fortier admit that his decision to focus solely on the riding of Vaudreuil-Soulanges indicates that he is using his powers not for the good of the country but rather for his own good and to get himself elected? If that scenario is not the case, could he explain why he has decided that the people of Rougemont, his division, deserve to be ignored.

Senator LeBreton: Honourable senators, as Senator Goldstein knows, there is nothing inappropriate here. Senator Fortier is nominated in Vaudreuil-Soulanges and when an election is called he will be the Conservative Party candidate. The honourable senator's line of questioning is most unfortunate. There is a Senate mechanism available to Senator Goldstein — specifically, an Ethics Officer — if he believes there is a serious issue here. If the honourable senator feels so strongly, he should address the question to the Ethics Officer.

Senator Tkachuk: And good luck to you.

Senator LeBreton: It is entirely legitimate that Senator Fortier is a nominated candidate. There are other senators in this place who have political responsibilities that do not necessarily tie into their responsibilities as senator. Both the president and the campaign co-chair of the Liberal Party of Canada sit in the Senate. If honourable senators have a problem with this, I would suggest they refer their questions to the proper authorities, the Senate Ethics Officer and the relevant committee.

Senator Goldstein: I might do that, but independent of that, would the honourable leader tell us what the Conservative Party meant by transparency and accountability?

Senator LeBreton: Absolutely. It is what we are doing. I shall answer that question — although it is obvious to people that we are running a transparent and open government. We are still waiting for the answer to the whereabouts of the \$40 million in the sponsorship scandal.

FISHERIES AND OCEANS

GRANTING OF LICENCES TO MID-WATER TRAWLERS TO FISH HERRING IN GULF OF ST. LAWRENCE

Hon. Elizabeth Hubley: My question is for the Leader of the Government in the Senate. The Minister of Fisheries and Oceans recently granted herring licences in the Gulf of St. Lawrence to two mid-water trawlers, including one capable of carrying nets a quarter of a mile in length. This kind of trawler poses a threat to many in-shore fishers who use herring as bait, which has become more difficult to find in recent years.

• (1440)

My questions are as follows: Has the Department of Fisheries and Oceans prepared an assessment of the impact of this decision? What will be the impact on the in-shore fishery? Did the minister take this decision with full knowledge that it would make an important source of bait even scarcer?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her questions. Minister Loyola Hearn is cognizant of all of the issues concerning the fishery, including depleting resources and environmental concerns.

I shall take the honourable senator's questions as notice. If Minister Hearn has followed the practice he has followed since becoming Minister of Fisheries, I am quite certain all of the proper steps were taken. I would be happy to obtain that information and provide it to the honourable senator.

Senator Hubley: The government claims that it is committed to sustainability, yet the government has licensed mid-water trawl vessels that can put out nets five football fields wide and a quarter of a mile in length and land close to one million pounds of herring in one trip.

The minister's decision casts doubt on whether the government is serious about protecting herring stocks, which is a valuable commercial species upon which many Prince Edward Islanders rely for much of their livelihood.

My questions are these: What consultations took place with representatives of the in-shore fishery before these licences were granted? Was the government engaged in responsible stewardship of the resource, or was it merely a question of granting the licences to the highest bidder?

Senator LeBreton: Those questions were valid ones, until the honourable senator resorted to a parting shot.

Honourable senators, no one is more conscientious or more concerned about the fishery than Minister Hearn. I shall take the honourable senator's detailed request for information as notice and provide her with answers as soon as I am able to.

JUSTICE

CIGARETTE SMUGGLING

Hon. Larry W. Campbell: Honourable senators, I shall start with the closing shot and then go on.

My question is for the Leader of the Government in the Senate. Can the leader tell honourable senators why her government talks about solving crime and justice issues but, when it comes down to action, this government is nowhere to be seen?

It was recently reported — not by the Taliban — in documents obtained under access to information that the smuggling of black market cigarettes by criminal gangs is not a priority for the Conservative government because it may cause them political headaches with the First Nations.

This is not completely a First Nations issue. By not cracking down on cigarette smuggling, this government is allowing organized crime, in the form of biker gangs, free reign to conduct criminal activities in this country — leading to the deaths of Canadians, contributing to public disorder and causing \$1 billion in lost cigarette revenues.

Why does this government play politics with the lives of its citizens? How can it begin to preach about its proposed tackling violent crime act when it cannot even deal with current problems, problems caused because it chose to ignore its responsibilities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I was worried when the honourable senator said that he intended to start off with taking the parting shot. Was he not a former policeman? That concerned me somewhat.

As honourable senators know, the number one priority of this government is issues of crime and the security and safety of Canada's citizens.

With regard to the issue of cigarette smuggling and the comments made in the media the other day, I shall take that question as notice.

THE ENVIRONMENT

APPROACH TO CLIMATE CHANGE—CARBON CREDITS

Hon. Grant Mitchell: Honourable senators, it is not that this government actually opposes the Kyoto process in and of itself as a way of combating climate change; what is clear is that this government opposes any process for combating climate change. This fact became clear to me the other day as I was listening to Senator Tkachuk gleefully diminish and dismiss Kyoto.

[Translation]

In truth, they simply do not want to combat climate change.

• (1445)

[English]

It is also true that after 18 long months this government has done almost nothing to combat climate change. It has missed even the simplest, lowest hanging fruit. Why does this government's finance department expressly prohibit senators and, I expect, all public servants from buying carbon credits to offset their airline travel when, for example, Premier Gordon Campbell in British Columbia requires every last bit of airline travel to be offset by carbon credit purchases?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as I said the other day, the department knows that the Kyoto train has left the station. It is time for us to move on, to quit worrying about things that did not happen in the past and to work on things that can be done in the future.

Our government is working with our international partners to reduce greenhouse gas emissions and reach a post-2012 international framework. We believe that it should include the

world's major emitters, such as the U.S., China and India; that it should have binding targets; and that it must recognize different national economic circumstances.

In a similar question a few weeks ago, Senator Mitchell said that the Prime Minister did not do anything at the G8. I will read from a press release dated June 7, 2007, in which Hans Verolme, Director of the World Wildlife Fund's Global Climate Change Programme, stated, and I quote:

The support by the EU, Japan and Canada to cut carbon pollution 50 per cent by 2050 means we are a step closer to taking real action for the world's climate.

Senator Mitchell, it is time to turn the page on the Kyoto Protocol and move on. As I said, the Prime Minister is engaging countries, at the Asia-Pacific Economic Cooperation, APEC, summit in Australia, at the European Union, and the United Nations, for example, to deal with the serious concern of climate change.

Senator Mitchell: Honourable senators, I am asking that the government move on some of the simplest things, but they do not seem inclined to do so. In fact, they have not done the most basic and easiest things. When the leader talks about the train leaving the station, I remind her that I was asking about airline travel, not train travel, and why the government does not allow us to buy any kind of carbon offset credit.

My next question is: When Premier Campbell went to Portugal to set up British Columbia in a carbon trading market, which is for the future and, you might argue, will get us past Kyoto, where was the Prime Minister? Why is he not on the same plane to involve Canada in this so we can participate aggressively in that new international market? One would think business-like Conservatives would want to do this.

Senator LeBreton: I said in my last answer that the Prime Minister has been on the plane dealing with these issues. He went to the EU, he went to Australia and he went to New York. Our government's regulatory framework for air emissions will include domestic emissions trading. The details of the framework, including the trading system, are being worked on as we speak.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Grant Mitchell: Honourable senators, it is with some pleasure that I rise to speak to the Throne Speech, but it is not with a great deal of pleasure that I rise, for two reasons: First, so little is in this Throne Speech that to suggest one is speaking to it is to exaggerate the point. Rather, one has to speak around it, or one has to speak about all kinds of things that are not in it. I am also not pleased because the minimal amount that is in it is very disconcerting and not particularly inspiring, I believe, for Canadians.

• (1450)

I take offence, first, with the government's statement on the front of the Throne Speech pamphlet that somehow this is clean government. I underline the arrogance of that particular statement. People often describe themselves aggressively in one way simply because they are afraid of the underlying truth that may not actually support that description. We certainly have a great deal of experience with this government saying something over and over again that clearly is not true, on the assumption that if they say it enough people will actually believe it is true.

I would nip in the bud the idea that this government is actually clean, because it is not. I refer to the scandal that has now been coined so aptly the "In and Out Scandal." Two issues are involved in this scandal. First, that the Conservative Party overspent its national campaign budget by approximately \$1.2 million. That, in and of itself, is an egregious violation of the Elections Act.

Honourable senators, even more incriminating when it comes to this government's assessment of it being "clean", is having someone lie about where that money was expended. They said it was expended through 66 constituencies when it was not. They thought they stood to gain \$720,000 in taxpayers' money that they were not entitled to get. That sounds to me like a fraudulent initiative. Someone says something that was not true and, by stating untruthfully that that money was spent through 66 ridings, they stood to gain \$720,000 of taxpayers' money. That is not something that a clean government would do. This was not done at the lower echelons or the peripheries the party; it was done by some of the most senior people in that party. Its anticipation is documented in the book by Tom Flanagan at page 188 where he makes the point, with some amount of chuff, that they had figured out how to get around the limits imposed by the Canada Elections Act on national campaign expenditures.

Not only did this affect 66 ridings, over 20 per cent of all the ridings in the country that they ran in, but it also affected 34 ridings of elected members of Parliament. Of the remaining non-elected ridings, 11 of the candidates now hold senior positions in ministers' offices or elsewhere in this government.

The first words that someone sees in this government's Throne Speech, "clean government," have expressed the absolute Conservative oxymoron. This government is not clean, as is evidenced by the ruling of the Chief Electoral Officer saying clearly that this government has broken the Elections Act. Underlining his point is the fact that there are now three investigations under way, one of which is a police investigation. This government should be careful about using that exceptionally misleading statement. This is not clean government.

The second part of the Throne Speech speaks about a better Canada. Canada is a remarkable place. It is developing. It will continue to evolve and get better. However, it will not get better because of what this government has outlined in its Throne Speech. In many ways, Canada could become a meaner and more barren place, if I can use that word conceptually, because of what is and what is not in this particular Throne Speech.

I emphasize, as has my colleague Senator Day, that a number of things are forgotten. I would add to his list. Education is forgotten in this Throne Speech. Maybe it is not just forgotten; it is probably consciously dismissed.

Education, as we all must understand, is the future of this country. It is the future of the economy of this country. A 21st century economy will be based upon intellectual property, education, science, technology and the minds of Canadians who are able to confront and beat the rest of the world. None of that is supported by this particular Throne Speech.

As a specific human interest example, I cite a case that has come across my desk of someone who has fought to realize her ambitions, to have an education, to make her life better, her children's lives better, to contribute to this country in a significant way, but who has received little help, and now confronts a significant financial problem. This is a woman who has two young children. She was on welfare. She had the strength of character, the determination and commitment to return to school. She took a four-year university degree and a postgraduate diploma over a five-year period, all the while supporting her two children.

At the end of that five-year period, she had amassed a \$75,000 student loan. When \$75,000 is divided by five, the result is not a great deal of money, in some senses, for supporting two children and putting oneself through school as an annual expense. However, the woman ended up with \$75,000 in loans. It is like having a mortgage, as they say, without having the house. She is now 38 years old. The interest rate on that mortgage is prime plus 2.5 per cent, which puts it upwards of 9 per cent. She will be forced to begin to make payments at \$829 a month. That will be over 25 per cent of her take-home pay, despite the fact that she has a professional job. What assistance has she received? How will she be able to pay for her rent, pay for her children's upbringing, pay for that debt and still provide for some kind of future for herself and her family?

Honourable senators, this is the kind of issue that a caring government, a government that sees the future and has a sense of people and understands empathy would begin to address. This

woman has done exactly what our society has asked her to do. She has taken herself off welfare rolls and done everything she possibly could to secure a future in a productive way, support her family and herself, and she is burdened by a mortgage without a house.

The second evident omission in this Throne Speech is its neglect of women's equality. It is now the case that this government is not allowed to use the word "equality" in the context of women's rights and women's issues. This government has cancelled initiatives that would affect women and promote their interests. They have cut off \$350,000 in annual federal funding for the National Association of Women and the Law. They have cut the \$750,000 annual federal grant to the Canadian Child Care Federation. They have cut the Court Challenges Program, which enabled persons and groups to challenge federal laws on equality grounds. They have cut the Law Reform Commission. They have cut the Canadian Volunteerism Initiative. They have cut \$750,000 from Family Service Canada.

In this context, government ministers have made it clear that the funding of advocacy groups is not a priority. However, they are selective in how they manage these cuts to "advocacy" groups. They have cut all support for groups that advocate for the equality of women and the rights of families, but at the same time they have added — and this is almost incomprehensible — a \$500,000 grant to the Conference of Defence Associations. Let us support defence associations, but not equality for women.

I have taken a good deal of time to talk about what is not in this speech, and I could go on at some considerable length.

• (1500)

I also point out what is clear in this government's Throne Speech.

What is Senator Segal saying?

Hon. Hugh Segal: You cut the guts out of the budget for 13 years!

Senator Mitchell: Let us talk about that. Often what this government does is not to achieve some kind of good public policy end or to make the country better. Rather, their actions are based on cynical politics, designed simply to get votes, to promote and manipulate their chance of electoral success.

I will return to the subject of crime bills. If this government truly saw that issue as one that needed to be addressed, they would have allowed the crime bills that were passed in the House of Commons last session to simply be re-established on the list and put through quickly with the kind of support they would have received for that. Instead, they repackage the bills to somehow make the extraneous, elaborate case that the Liberals are soft on crime and are trying to delay the proposed legislation.

There were initiatives in that bill that could have been passed and acted on by now and might well have reduced crime in the Conservative's view of the world. They did not do that. Instead, they manipulated that like they manipulate so much of what they do from a cynical electoral base.

Another thing than I find almost breathtaking is that the Prime Minister actually calls himself an economist. That reminds me of the story that everyone but my Johnny is out of step. The Prime Minister is perhaps the only economist in this country — and I use the word “economist” lightly in his case — who actually believes cutting the GST serves any purpose other than a political one.

One of the major issues facing this country is productivity; and in good times we should be preparing for bad times. One day when we confront a downturn, we will need heightened productivity more than we can imagine, and this government should be cutting taxes that stimulate economic productivity. The GST is not one of those.

Another issue that they miss is Kyoto. I want to emphasize this because Senator Tkachuk is having a pretty good time about it. He clearly underlined this government's attitude. It is not that they are opposed specifically to the Kyoto process for addressing climate change; it is that they are opposed to any process for addressing climate change.

There are many initiatives that the government could have brought in easily after 18 long months. Look at what British Columbia is doing. Look at the announcements and initiatives made by Premier Campbell. That is a government that said they will be carbon neutral by 2010. They are focused on improving the climate and taking concrete, specific initiatives to achieve that. These initiatives do not cost money; they do not cause economic harm. They stimulate economies, save money and enhance productivity and competitiveness.

The frustration I feel when I read this Throne Speech is never greater than when I read the limited amount that it says about climate change, when I contemplate how much could be done and how little is in fact being done. There is no leadership where leadership is required.

Honourable senators, that brings me to my final comment. When I read this Throne Speech, I am struck at how quintessentially small-minded it is. It does not grab a single major issue confronting this country, such as child poverty, Kyoto, climate change or Kelowna.

The Hon. the Speaker *pro tempore*: I must advise the honourable senator that his speaking time has expired.

Senator Mitchell: I would ask for five more minutes, please.

Hon. Senators: Agreed.

Senator Mitchell: I thank my Conservative colleagues, in particular, for allowing me to continue. They are very empathetic and compassionate at certain moments.

When I read this Throne Speech, the first thing that hit me was how light it was, how little there was in it that inspired. It did not address any of the major issues facing this country today. It did not address productivity or climate change; it did not address child poverty or native issues particularly. It did not address any major issue that, with great leadership, could transform this country in some significant way for the future.

I am struck by how quintessentially small “c” conservative this Throne Speech is. It tinkers and modifies only at the margin. It is afraid to grab the future, to lead Canadians to do something great.

Hopefully, honourable senators, it will not be too long before this government will understand the chance that it missed; and we will see one day in the not-too-distant future some great leadership once again for this country from the next Liberal government.

On motion of Senator Hubley, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean Lapointe moved that Bill S-213, to amend the Criminal Code (lottery schemes), be read the second time.—(*Honourable Senator Lapointe*).

He said: Honourable senators, the vast majority of you are already aware of the bill I am presenting for the fifth time today. Since my first speech in this upper chamber on the matter, four long years have passed and many lives have been ruined, devastated, and consumed by the scourge of compulsive gambling, especially the scourge of video lottery terminals.

Honourable senators, the bill before you has already been studied at length by the Senate and two of its committees, the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on Social Affairs.

Two committee reports on this bill have been tabled. It would be absurd for us to waste the precious time of the members of this chamber pursuing the debate and consideration of this bill in second and third readings. I sincerely believe that it is our duty to proceed with this bill quickly in order to avoid wasting taxpayer dollars.

For these reasons, honourable senators, I am seeking leave for this bill to be read the third time today in order that it may be sent back to the House of Commons at committee stage at the other place, where it was before last month's prorogation.

The Hon. the Speaker *pro tempore*: Honourable senators, it would be appropriate to move second reading of the bill. We are only at second reading stage.

On motion of Senator Tkachuk, debate adjourned.

• (1510)

[English]

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with

the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Honourable Senator Grafstein*)

He said: Again, I will not try the patience of honourable senators who have heard this speech before. I will try to briefly bring you up to date.

Bill S-208 has had a brief history in this chamber. It was introduced in the last session. We had a spirited discussion about it and there was general agreement reached, I believe, by both sides that we would pass the subject matter of the bill to committee. I know that Senator Nolin was concerned about certain constitutional aspects of the bill and I suggested that we sort that out in committee, as well as to deal with his other question of whether there was an adjacent or previous bill that might have overlapped this particular bill. Those were two issues that would be addressed more appropriately in committee. We have, I believe, a consensus to refer the subject matter of the bill to committee.

I remind honourable senators about the background of and the rationale for this bill. This is a bill to require the Minister of the Environment to establish, in cooperation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future. Honourable senators will know of my other bill to amend the Food and Drugs Act to provide clean drinking water at the tap. This bill is an upstream bill, and so, in effect, it is a companion piece to the clean drinking water bill. The rationale came to me from experts who said that if we really want to deal with clean drinking water, we must deal not only with the downstream source, but also with the upstream source. Even though this is a companion bill, the two bills each stand on their own feet. In other words, the delay on passage of one, in no way, shape or form, will impede or affect the passage of the other. The two bills are separate in that sense. I do not want any senator to believe that the two are connected. They are not connected except with respect to process and policy.

Water, honourable senators, as an outstanding columnist noted two weeks ago, has become the new oil. Water is now as precious, in a way, as oil, and the cost of keeping it clean is increasing.

It is interesting to note in the newspapers today that the Cirque du Soleil founder, an outstanding Canadian by the name of Guy Laliberté, has pledged \$100 million over the next 25 years to a new foundation which he calls the One Drop Foundation. I read the newspaper clipping, but I have also spoken to the executive director of the foundation, Mr. Michel Lamoureux, who I happened to run into a few days ago. He is well known in this chamber. I believe he previously worked for Senator Poulin.

The press release is clear. It says the One Drop Foundation is a new foundation to which Mr. Laliberté has dedicated \$100 million over the next 25 years. He is quoted as saying,

No one can remain indifferent when we know that at least every eight seconds, a child dies from a disease caused by drinking contaminated water.

This foundation will rebuild water wells and provide drinking water to poor countries. I brought the background of my bill to Mr. Lamoureux's attention. In no way, shape or form do I want

to appear to be a critic of Mr. Laliberté or his efforts, because I think it is an astounding thing that he is doing. However, it strikes me as ironic that while we can support a foundation for clean drinking water overseas, we do not have clean drinking water in some of the poorest and not so poor regions of our country. I hope to achieve a common cause and to join forces with this foundation and to persuade them to assist us with respect to these measures affecting water we have before the Senate.

Let us take a quick look back. Canada is a blessed country. It is blessed because we are sovereign in terms of our resources, not just oil but minerals, semi-precious and precious gems and other resources. We are also sovereign over 70 per cent of the world's land mass. Canada also has within its borders 9 per cent of the world's so-called renewable fresh water. Up until a few years ago, we believed fresh water was renewable, but it now appears that it is not really renewable. Our water supply is not going up or staying at the same level; it is going down. It is going down for two reasons: pollution and chemicals; and more important than that, leakage. There is leakage or seepage in our fresh water system.

Senator Carney referred today to the Great Lakes. This is anecdotal, but it has been confirmed by a number of associations, that the water level of the Great Lakes has dropped about 18 inches in the last two years. In many resorts along the Great Lakes, one will find that the facilities and marinas are marooned as the water level is now 18 inches lower. We have a serious seepage or leakage problem, both from pollution and from the environment, or for other reasons.

The purpose of this bill is to at least find out what is happening. The purpose of this bill is not complicated; it is to map the watersheds, which are the sources of clean drinking water across the country. We still do not have an inventory of those watersheds.

Canada's population is less than half of 1 per cent of the world's population, so we have the greatest per capita allocation of fresh water in the world. This abundance of fresh water has become both a blessing and a curse. The blessings are clear. Water is an essential part of our life on this planet. The Department of Health tells us we need to drink eight glasses of clean drinking water a day to keep healthy. The curse, in my view, is due to overabundance. There is a myth that we have limitless water. That is now a myth. That is no longer the case. We are living by this previous myth. We have become, honourable senators, much too complacent. We take this valuable resource, which I say is diminishing, for granted. Why is there not a vocal national lobby to preserve this precious national asset?

We have the Seven Sisters, or the so-called offspring of the Seven Sisters, the great oil companies. There is a vested interest in protecting and maintaining oil in this country and drawing it out of the surface, yet we do not have Seven Sisters that will protect the water in this country. Why is that so?

With rising economic, industrial and agricultural growth and increased housing added to the utilization of our water resources for recreation, all experts warn — I repeat, honourable senators, all experts, and there is no one to the contrary — that it is time for Canada to take a fuller account of water that is fast becoming a

diminishing resource in Canada. I speak here of 100 per cent of the experts; I have not heard of any expert who disagrees with these contentions.

The Great Lakes, the single largest source of fresh water in the world, contained — and I say “contained” because we do not know this anymore — up until four or five years ago, 18 per cent of the world’s total. However, we cannot say today whether that figure is 18 per cent, 17 3/4 per cent or 17 per cent. It is not safe to make that calculation. In terms of volume flow, 1 per cent is currently not renewable, according to the most recent science. We can no longer take for granted the sustainability of the Great Lakes for each and every citizen in the Great Lakes basin and beyond.

• (1520)

Economic measurements should start to come into play now. How should ground water, aquifers or watersheds, which are paramount sources of our fresh water, be shared? In Alberta, there is a huge crisis in water. For every barrel of oil, four barrels of water are needed in order to bring the oil out of the tar sands and the other oil sources. Between the agricultural, oil and health community, how do we share this diminishing precious resource called water? How can we hope to share water if we do not know how much we have and where it is? Hence, the idea of this bill: to map it. After we know what we are talking about — which we do not at this moment — we will be able to share models of allocation between farmers and settlers, between industry and recreation, and between oil and minerals and others as our water abundance decreases.

Honourable senators, recent public opinion polls have demonstrated — and I urge the Conservatives to look at their polls; they will see the same thing — that water is emerging as almost the number one issue in Canada. Water has come out of the mud, literally. Water now rivals medicare in this country because people are becoming aware of this compelling problem. As parliamentarians and politicians, if we value public opinion, we should take this rising phenomenon into account. Water is near the top of the polls in terms of concerns for each and every Canadian from coast to coast to coast.

Senator Fairbairn: Don’t forget the mountains!

Senator Grafstein: How can I forget the mountains? After all, Mount Sinai is an important mountain in my life.

Simply designed, Bill S-208 — and it was the same number when it died on the Order Paper — would cause the Minister of the Environment, in conjunction with his provincial counterparts, to map out water aquifers across our country. Why? This bill offers a cost effective, cooperative way to map, measure and create a national inventory of our most precious resource: Water.

Once completed, this inventory, open and transparent, will ensure that the water resource is developed in a fair, equitable and careful way to be shared by all sectors of our society.

Let me relate an extraordinary story from my home province of Ontario. It is well-known that one of the major watersheds is the Scarborough Moraine. This moraine services much of the water in Toronto. It was also discovered, as Senator Di Nino will know,

that several developers in Toronto, some of our best friends, had acquired sites there and were starting to build. The Province of Ontario woke up and discovered the moraine was targeted for development.

Senator Milne: No, it is the Oak Ridges Moraine.

Senator Grafstein: I am sorry; the Oak Ridges Moraine. Thank you, Senator Milne. She is closer to the problem than I am.

The Province of Ontario decided that this was a crisis. They passed legislation that would prohibit building on the moraine. It struck me as curious that building would occur on this precious resource when there was ample place to build elsewhere in the province. Furthermore, this construction would affect the rights of each and every resident of Ontario and each and every resident of Canada and would deny access to this precious resource. Water is a problem wherever we go. However, this problem is no longer local. Water is a national problem because it affects the entire country.

If we do not manage this resource and take steps now to enhance its sustainability, we will unconsciously compromise the future of all Canadians. I urge the adoption this bill before Canada’s freshwater resources are diminished beyond renovation and beyond sustainability. If we address the situation now, we can save a precious resource from atrophy and deterioration. Canada’s water supply will not run dry if we are careful and transparent, and ensure that we protect fresh water sustainability for future generations.

Honourable senators, the subject matter of this bill is under current study by the government. I know that because the previous government and the previous government to that were also studying this particular matter. Senator Watt is nodding in agreement. We were told that the government will be studying this issue and they will continue to do so until the water is too low to study. This is not a question for further study; this is a question for action.

When I spoke in conjunction with the clean drinking water bill, the act to amend the Food and Drug Act to provide for clean community drinking water, the Gordon Water Group brought their most recent study, released last week, to my office. I read this 55-page document. I urge the committee, if it deals with this matter, to call representatives from the Gordon Water Group as witnesses. This study, called *Changing the Flow: A Blueprint for Federal Action on Freshwater*, involved every major environmental group and scientist with respect to interest and studies in the water system. It is a prestigious and impressive report.

Honourable senators, I know this is lengthy, but I want to read a quote from the paper here. On page iii, part of the preface is called “Thinking Like a Watershed.” It states:

Because watershed boundaries seldom coincide with political boundaries, we need to take better account of watersheds in our decision-making. Watershed-based management requires an appreciation of the complex interactions that occur between the natural hydrological system and human activities. Activities such as water withdrawal —

Hence, Senator Carney's bill. The paragraph continues:

— urban development, commercial and agricultural operations all impact the quantity and quality of both surface and groundwater. The complexity of these interactions means that our future management approaches need to be more integrated, precautionary and adaptive than they have tended to be in the past.

That is the first quote. Let me go on and give you some of the other highlights.

On page 12, the headline reads, "The Economic Importance of Fresh Water," and states in part:

The measurable contribution of water to Canada's economy is estimated between \$7.5 and \$23 billion annually, values comparable to agricultural production and other major economic sectors.

I point to those who are experts in this chamber. Water outstrips agriculture and other industrial sectors. The paragraph continues:

A prime example of the importance of freshwater to Canada's economy is the Great Lakes-St. Lawrence river region. This region supports 45 per cent of Canada's industrial capacity and 25 per cent of its agricultural capacity, and contributes \$180 billion to Canada-U.S. trade annually. The lakes sustain a \$100 million commercial fishing industry and a \$350 million recreational fishing industry and every year 1.5 million recreational boats enjoy the Great Lakes.

The report goes on to deal with one more topic. I will conclude with this. The heading is interesting. This is right up Senator Nolin's alley because he brought the provincial aspect of the subject to the attention of the Senate and I thank him for that. This quote is found on page 21 and states:

What happened to the federal water policy of 1987?

Ralph Pentland, co-author of this blueprint and a member of the Gordon Water Group, was responsible for drafting the federal water policy of 1987. He describes the policy's rise and fall:

In early 1984, federal Environment Minister Charles Caccia —

An old friend of this side. The quote continues:

— recognized that many of the water issues that would confront Canadians over the next several decades could not possibly be addressed without effective federal leadership. Accordingly, he appointed a three-person inquiry on Federal Water Policy, and instructed it to consult widely with Canadians and report back within 18 months. The Pearse inquiry submitted its final report, *Currents of Change*, in September of 1985.

That is 22 years ago. The study goes on to state:

Over the following years, I chaired an Inter-departmental Task Force, which carefully considered the inquiry's recommendations, and developed a Federal Water Policy

which then Environment Minister Tom McMillan tabled in the House of Commons in November 1987. We have gone from a Liberal minister to a Conservative minister.

• (1530)

Shortly thereafter, the Canada Water Preservation Bill was tabled in the House, promising to prohibit water exports by inter-basin diversions, and the government's green plan promised billions of dollars, as it says — which I do not think was ever allocated or spent — in new environment expenditures. Canadians' hopes were raised that their government would finally address a number of serious water and environmental problems and opportunities. However, their hopes were soon dashed. In 1987, the federal water policy included over 100 well-thought-out commitments. I point out to the senators opposite that few, if any, were ever met in a meaningful way. The water export bill was never passed. Most of the planned green plan dollars evaporated — a nice word — and through the 1990s Canada plummeted from the middle of the pack of countries in the Organisation for Economic Co-operation and Development in terms of per capita environmental expenditures to somewhere near the bottom. I will conclude with the rest of the quote from this section:

Since the National Energy Program fiasco in the 1980s, the federal government has been particularly gun-shy about treading on provincial toes regarding resource matters. That is indeed a great tragedy because water is not just a provincial resource, it is both a key ecological integrator across many jurisdictional boundaries, and a critically important, strategic national resource. A constructive way to look at the turf war question is to start from the assumption that neither the federal nor provincial governments have "powers" per se. What they do have is frequently overlapping constitutionally-defined "responsibilities" to the same citizens, many of which are not being met.

We have a crisis, honourable senators. It is not working. We do not have a water policy in Canada. We have legislation on the books that is not enforced.

Again, I thank the leadership of Senator Banks and his committee, which has followed this issue as assiduously as anybody in this country. Senator Banks is anxious for his committee to receive this bill so that we can invite the officials before us, federal and provincial, to deal with the appropriate questions that Senator Nolin has raised on the constitutional side and I have raised the need for this bill. We must deal with those questions, and I am prepared to do that with Senator Nolin's help and guidance.

More important, time is running out. Time is of the essence. This matter will not wait for another decade, when most of us in this chamber will be gone. It is time to move and time to move now.

This approach is a surgical way, not of solving a problem but of addressing it in a coherent fashion, to map out — and it will not hurt anybody — the watersheds of this country so we can decide how to deal with this precious resource in a fair and equitable way under the Charter and under the Constitution of Canada for the benefit of all Canadians.

On motion of Senator Nolin, debate adjourned.

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Committee of Selection (membership of Senate committees), presented in the Senate on October 23, 2007.—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I want to thank all the members of the committee. We worked in a collaborative, humane, caring and thoughtful way. We had a remarkable list of high-quality members in this place who are prepared to serve with a tremendous amount of time in the interests of public policy matters to be discussed before committees. It was an honour to work with my colleagues on all sides.

I commend the content of the report to the earliest possible approval of this chamber so that our committees can begin the work we were sent here to do by whoever appointed us in the past.

Some Hon. Senators: Hear, hear!

Hon. Anne C. Cools: I wonder if the honourable senator would take a question or two.

Senator Segal: I would be honoured to take a question from the honourable senator.

Senator Cools: Honourable senators, I was hoping that Senator Segal would make a more fulsome speech, but in the absence of that, I am prepared to ask a question or two.

The honourable senator, in his remarks, spoke about the abundance of people wanting to serve and their caring thoughtfulness and readiness to serve.

I have reviewed the committee report with some care, and the committee proceedings with an equal amount of care, and I have observed that, for the first time in the years since I have been in this place, my name is absent from this report.

Some Hon. Senators: Shame!

Senator Cools: I am sure the honourable senator is well aware that I am a diligent worker, and my attendance record at Senate committees is good. Honourable senators, that I find this omission most peculiar and odd. Perhaps the honourable senator could give me some insights as to the exclusion of my name in this report. Perhaps the honourable senator could answer that question and then I will follow up with another question, since the honourable senator is open.

Senator Segal: I am delighted to respond to that question. The honourable senator will know how much I benefited in my first two years here from her advice and counsel, and how I would have seen the list and asked the same question. The response was given, certainly with respect to my leadership — I cannot speak for the other side — that all senators who are independents were canvassed by our leadership and asked whether they wished to sit on any committees, and no response came from the honourable senator's office.

Senator Cools: Perhaps there is some sort of misunderstanding, honourable senators, because I am not aware of, nor have I received any information from, my staff or anybody in my office to any such effect. If we are willing, I can look again.

However, I have an additional point. Perhaps the honourable senator could share with me who it was that gave him the information that I was canvassed.

Senator Segal: Let me say first that every other independent was canvassed and did respond, so I would be stunned if, in fact, on purpose there was any intent not to have Senator Cools as part of that canvass.

Second, I inquired of the staff of our leadership, who assured me that there had been a general distribution of a canvassing note asking independents if they wished to sit on committees.

If my honourable colleague expressed a desire to be on a committee, I would be surprised, even at this late moment, if my colleagues on the Selection Committee would not wish to reconvene and accommodate that request in some way after we receive some direction from the leadership on both sides — the minority and the majority — who, after all, do make the nominations under the Westminster system, which she defends and I support, in this place.

Senator Cools: I thank the honourable senator for that. I noted that Senator Segal has stated that I am an independent. Therefore, unless I am to understand that I am at the mercy totally of some staff to write to me and to report to the honourable senator about my responses, perhaps I can put the question another way.

• (1540)

Senator Segal, as a chairman of committee, is ordered and empowered by this Senate to perform a particular function and to obey a particular order.

Let me put the question another way. I wonder if the honourable senator could tell me and honourable senators exactly what steps he took to ascertain that all senators, particularly, all independent senators, were canvassed or solicited for the sake of expressing to him, as chairman, and to the committee, their interest in serving on a committee? The honourable senator has some responsibility in the matter.

Senator Segal: I thank the honourable senator for bringing that to my attention in what was a fair supplementary question, if I may say so.

First, to the extent it turns out that Senator Cools was not canvassed, as I was informed that she was, let me accept full and complete personal responsibility for that oversight, which I do without exception and without any qualification.

Second, the honourable senator made reference to the status of “independent” and my reference thereto. I believe the *Rules of the Senate of Canada* specify that the status of every senator is affirmed by that senator in their relationships with the table, and it is not appropriate for anyone on either side to make a reference that has not already been undertaken by individual senators on their own behalf. I am not aware that Senator Cools has done

that. If I have misspoken in that respect, I apologize directly for that. Whether one was canvassed as an independent or not, it is my belief that the honourable senator was canvassed. If the honourable senator verifies in her own office that she was not canvassed, I would be glad to work with the honourable senator to find out what we might do on the next steps thereafter.

Senator Cools: My understanding — and I am old enough to be ready, willing and able to be wrong — is that I have not been canvassed. It is my understanding that no one on the honourable senator's side has spoken to me for a long time. I want the honourable senator to understand that, in the tradition I come from, being canvassed means a bit more than sending an email here and there. I make that point to the honourable senator. The solicitation of opinion is a profound thing.

Let me clarify: Do I understand the honourable senator to say that, as chairman, he is prepared to reopen the matter if interest were ascertained or stated from me? Did I understand the honourable senator to say that?

Senator Segal: I did say that, and I said I would do that in consultation with the leadership from the minority and the majority, and with my colleague, who is the deputy chair, so that we do it in a way that reflects the normative duality of this place, but I did say that in that specific way.

Senator Cools: Perhaps the way we should proceed is that I should express now, as I always have, my intention to serve on committee, and perhaps give the honourable senator, as chairman of the committee, the opportunity to conduct the necessary consultations, and, to facilitate that, maybe I should take the adjournment to allow that to happen.

Senator Segal: The honourable senator has the right to take that adjournment, and that is her decision, which I respect.

First, if there is a mistake, it is a mistake that I take upon myself, and I have said that to the honourable senator directly. Second, we have members on both sides, and I include the honourable senator, who would like to get work of committees underway for good and substantial reasons, and I will appeal to the honourable senator not to take the adjournment. She has the right to do that and to make whatever decision she thinks is in the public interest, so that the work of this place can continue. If she chooses to take the adjournment, I will respect that decision, but I am doing my best as chair to facilitate the movement through this house of a motion that had unanimous consent from all those present on both sides. I appeal, therefore, to her own best judgment and reflection as to whether she might allow that motion to progress, understanding full well that the matter she has raised, and that I have undertaken to pursue, relative to her own status on the committee, is something I am delighted to consult with her on at her earliest convenience.

Senator Cools: The honourable senator could have consulted with me before he met with the committee, and the steering committee also could have consulted with me. I propose, honourable senators, that to the extent that this issue represents the entire committee and the entire Senate, perhaps I should move the adjournment and give the honourable senator an opportunity to consult. Then we shall proceed from there.

I move the adjournment, honourable senators.

The Hon. the Speaker pro tempore: Is Senator Cools moving the adjournment?

Senator Cools: If they have questions for Senator Segal —

The Hon. the Speaker pro tempore: Please keep your adjournment motion.

Senator Cools: I wish to move the adjournment.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I am well aware that each senator can, if he or she wishes, participate in almost all committees. I am also aware that we want all the committees to be organized as quickly as possible. However, as a French Canadian, I feel I must ask the senator a question.

No French Canadian, no Quebecer, sits on the Standing Senate Committee on National Security and Defence. Is this on purpose or simply an oversight?

I must apologize to Senator Day. Although he is part of the extended French Canadian family, for the purposes of my argument, he is not.

Senator Segal: I would like to thank the senator for his direct and positive question. During the last session, there was no Quebec senator sitting on that committee. On the government side, there are two Quebecers, great senators who serve the public very well, and on the opposition side, I believe there are 14 Quebecers.

The Selection Committee works with the nominations put forward by the two sides of the Senate. There are a number of committees to cover and few senators, but it was not decided that there would be no Quebecers as members. If we must find a way to do so, I am sure that my colleagues on the other side would be prepared to consider a positive option to answer your question.

[English]

Hon. Tommy Banks: I add my voice to the question that has been raised by Senator Nolin, and I can tell the Honourable Senator Segal that on the Standing Senate Committee on National Security and Defence, of which I have the honour to be a member, we have often discussed the desirability of having Conservatives as members operating on the committee, and also of having a Quebecer. The contribution that is made in the defence of Canada with respect to our Canadian Forces from Quebec is disproportionately high, and it is appropriate that there should be a member from Quebec on that committee.

I am confused as to the status of Senator Cools here. My understanding is that Senator Cools is a member of the Conservative caucus, and I asked the leader last week to confirm it. The leader was not able, or found it inappropriate, to answer that question.

However, the honourable senator, in his explanation and answer to Senator Cools, referred to her, as I understand it, as an independent senator. Is that the case? Has the table determined that, so that we will all know? I and, perhaps, some of my other colleagues are confused in that respect.

I mentioned the table because Senator Segal suggested that was how members were determined. Senator Segal suggested that. It is the nature of my question because he suggested that was the case. Could Senator Segal tell us the basis on which he has responded to Senator Cools, to the effect that she is an independent senator.

Senator Segal: I thank the honourable senator for the question. I think I did correct, in my subsequent response to Senator Cools' learned question, that it was not for me to determine whether someone had a status or not. I made a reference to canvassing independents. I wanted to make sure that I did not inappropriately categorize anybody. I made that as clear as I could. As to who is or is not a member of the Conservative caucus, that question would be beyond my competence as chairman of the Selection Committee to offer a public view.

• (1550)

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Segal's time has expired.

Hon. Eymard G. Corbin: Would Senator Segal request an extension of time in order that I could ask him a question?

Senator Segal: I request an extension of two minutes in order to accommodate my good friend.

Hon. Gerald J. Comeau (Deputy Leader of the Government): We agree to an extension of five minutes.

[Translation]

Senator Corbin: Honourable senators, I am sad to see that Senator Segal has become the chair of this committee. Traditionally, the government whip presides over the Committee of Selection. Why did the Senator Segal accept a position for which there is no additional salary?

[English]

Senator Segal: My view of loyalty is that when your leadership asks you to take on a task, you do it, and do it happily.

Senator Corbin: That is a most unsatisfactory answer. Why have we broken with tradition?

Senator Segal: That is a question best directed to those who have been part of the tradition longer than I. This is only the second Selection Committee I have seen during my time in this place, so I am not as much a part of that tradition as are others.

Senator Corbin: I guess Senator Segal is pleading ignorance.

Senator Segal: Amongst other things.

Hon. Terry Stratton: Honourable senators, I have been a part of the leadership on both sides over the years. I would be amazed if Senator Cools did not receive the form inquiring as to which committees she would like to sit on. I have never seen that happen and would be quite surprised if she did not receive it.

We currently have 18 standing committees. We also have the committee on Conflict of Interest for Senators, the Veterans Affairs Subcommittee, and three subcommittees, or their equivalents, of the Social Affairs Committee.

That makes a total of 26 committees, which is quite a substantial number. Special committees are of particular concern to me. The best example of a special committee is Senator Dan Hays' committee that was struck to study Senate tenure. The committee did its job, finished its work, and was disbanded.

We now have the Special Senate Committee on the Anti-terrorism Act, a special committee being resuscitated once again. Enough; it has done its work. The Supreme Court has made its judgment, and the government is acting on it. Why do we want to continue with this committee? Will we add this committee now and next year another committee? When will this end? It is nonsense that we keep adding committees.

Why do people want to recreate the special committees year after year? I would not want to say that it could possibly be for the money for the chair and deputy chair.

Senator Tkachuk: I think so.

Senator Stratton: That is impossible. That would never happen, right?

Senator Tkachuk: I would take the money.

Senator Stratton: It bothers me that special committees reinvent themselves repeatedly.

Senator Tkachuk: Let's not pay anybody.

Senator Stratton: It's time that we called for this to stop. Now they want to make it a standing committee. What next? When will this end? It is becoming ridiculous. Why are we really doing this? When a special committee is struck, does not finish its work, and multiple continuations are sought, I have to wonder whether it is for the money.

Senator Corbin: Oh, for God's sake.

Senator Cools: Honourable senators, I would like to address a question to Senator Stratton, and I want to take the adjournment as well.

Senator Stratton said a few minutes ago that he would be surprised if I had received no notice, and I missed his very last word. What does he mean by that?

Senator Stratton: I will repeat what I said. In all my years in leadership on both sides, every senator in this chamber, independent or otherwise, has received a form on which to indicate their preference for service on committees, in some form or other. We on the government side look after a certain number of independents, and I would be amazed if Senator Cools did not receive that form.

Senator Cools: Honourable senators —

Senator Stratton: I answered the one question, and that is all I will do.

Senator Cools: I wish to raise a point of order, then. I have been trying to understand why no senators have consulted with me to ascertain my interest in serving on committees. My track record here is pretty strong and long.

Senator Stratton said he would be surprised if I had not received a questionnaire. Senator Stratton cannot speak about receiving a questionnaire; he can speak about whether he sent any. However, he articulated his remarks about whether something was received.

Honourable senators, I have not seen, touched, read or handled any such questionnaire. I have not received it. I have no knowledge of it whatsoever. That is a true statement. I said earlier that things happen sometimes. I am a great believer in love and forgiveness — we all know that — and I am prepared to have my staff search yet again. I have asked them whether anything ever came, and they have told me no. However, I am prepared to have them check again.

Honourable senators, regardless, I have seen, heard, touched, read, responded to absolutely nothing. I cannot believe that the leaders on the other side could possibly forget me so easily.

• (1600)

I do not think I am that forgettable. Honourable senators, I want to raise this question under the guise of a point of order. It may be more self evident, but I want to know who sent what notices and to whom rather than idle speculation about whether some individual may or may not be surprised whether another individual may or may not have received the notice.

Honourable senators, maybe there is no need to rule on this question. Maybe it is self evident after all. However, I think honourable senators have a fair understanding that the movement ahead of something like this without the involvement or the voice of any senator is a serious matter and a major slap in the face.

Honourable senators, I want to take this adjournment when we are finished. Maybe it is not a question of order. Maybe it is something we can resolve in the debate as we go along.

The Hon. the Speaker pro tempore: Does any other honourable senator wish to speak on the point of order?

I thank the Honourable Senator Cools for raising that question, and I will take it under advisement and give an answer on the specific point of being out of the committee, on the specific point of your committee.

Senator Cools: I wish to take the adjournment.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: I will ask for a voice vote. All those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the “yeas” have it.

And two honourable senators having risen:

Senator Stratton: I ask for a 30-minute bell as there are people in the Victoria Building.

Senator Cools: I am not sure that the whip on the other side has sole discretion on this matter. I think I have some say as well.

The Hon. the Speaker pro tempore: How long do honourable senators want for a bell for a vote? Our rules say at least 15 minutes.

Senator Hubley: Thirty minutes will be fine.

The Hon. the Speaker pro tempore: Is there agreement on a thirty-minute bell? Call in the senators. There will be a thirty-minute bell.

• (1630)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Grafstein
Bacon	Hervieux-Payette
Baker	Hubley
Banks	Jaffer
Biron	Joyal
Callbeck	Lovelace Nicholas
Cook	Merchant
Cools	Milne
Corbin	Mitchell
Cordy	Moore
Dallaire	Pépin
Dawson	Phalen
Day	Poulin
De Bané	Robichaud
Eggleton	Sibbeston
Fairbairn	Stollery
Fitzpatrick	Tardif
Fox	Watt
Goldstein	Zimmer—38

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Brown	Nancy Ruth
Champagne	Nolin
Comeau	Oliver
Di Nino	Segal
Eyton	St. Germain
Gustafson	Stratton
Johnson	Tkachuk—17
Keon	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE
ON AGING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C.:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, pursuant to rule 85(1)(b), the committee be comprised seven members, to be nominated by the Committee of Selection and that three members constitute a quorum;

That the Committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2008, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.—(*Honourable Senator Tkachuk*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I reread the text of this motion and found the reporting date marked as June 30, 2008. I checked with the leadership and learned that an agreement had been made on both sides for a wrap-up date for this committee of March 31, 2008. Hence, I believe both sides would honour the discussions and agreements made at that time. With that in mind, I move:

That the motion be amended by replacing the words "June 30, 2008" with "March 31, 2008" in the last paragraph.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

On motion of Senator Tardif, debate adjourned.

● (1640)

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO
PREPARE REFERENDUM ON WHETHER THE SENATE
SHOULD BE ABOLISHED—DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of October 23, 2007, moved:

WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)

AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House since the constitutional agreement establishing its existence

AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum

THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

He said: Honourable senators, I rise today to speak to the motion I introduced last week. I hope that, upon reflection, honourable senators in this chamber on both sides might understand and welcome the merits of such a proposal.

Let me offer one quotation in support of the proposition:

The Senate is likely the least admired and least well known of our national political institutions. Its work attracts neither the interest of the media, the respect of elected politicians, the sympathy of the public, nor even the curiosity of academia. How paradoxical that very few Canadians have an understanding of the history, role, and operations of the Senate, and yet everyone seems to have an opinion on the institution.

I quote, of course, from Senator Joyal's *Protecting Canadian Democracy: The Senate You Never Knew*, a compendium of excellent essays regarding this institution and its merits, containing eight chapters written by thoughtful and distinguished scholars on the constructive work of this chamber on a range of issues.

I agree with my honourable friend's comments regarding the outside view of the Senate, and I believe that this motion, if successful, will go a long way in not only educating the public about our role here but also towards legitimizing an institution that has often come under attack without any clear understanding of its function or merits.

Yes, it could also result in its abolition but, after years of "negotiating," "attempts at reforming" and seemingly endless "discussions," perhaps the time has come to allow the electorate to weigh in and settle the question politicians of all affiliations have been unable to answer since Confederation itself.

In a democracy, specifically in the key working elements of its responsible government, respect must be tied in some way to legitimacy. While questioning "legitimacy" of long established democratic institutions is usually the tactic of those seeking a more radical reform, the passage of time does not, in and of itself, confer de facto legitimacy, and seems a particularly undemocratic way of moving forward. The purpose of my motion regarding a referendum question put to the Canadian people is to focus squarely on the legitimacy issue.

There are many differences between Canada, Iraq and Afghanistan, too numerous to mention. One difference, however, relating to the basic law under which each seeks to govern itself is that those who negotiated the content of the respective basic laws in Iraq and Afghanistan over the last decade saw those constitutions put to the test in a popular referendum in which there was a high voter turnout. A referendum never happened in the Canada of the 1860s, which is not surprising. There was no universal suffrage at that time. There was not even a secret ballot. It is not surprising it did not happen then.

The British North America Act was never sanctioned by a popular referendum in which Canadians had the chance to legitimize the work of the Fathers of Confederation.

[Translation]

Today, after 39 federal elections and approximately 300 provincial and territorial elections since 1867, surely we can say that the elected assemblies that make our laws have been

legitimized by millions of voters on numerous occasions. What is more, Canadians voted against constitutional change in the 1992 referendum on the Charlottetown Accord. We can therefore conclude that there has been some public input, which strengthens the legitimacy argument. But it would be going too far to include the unelected Senate in this circle of legitimacy.

Except in Alberta, which elected Stan Waters in the 1980s and Senator Brown, Canadians have never voted in any way to legitimize an unelected upper house, which has potentially huge legislative powers.

[English]

The present government of Canada deserves some credit for attempting to address this legitimacy question through proposals in the House to consult the public on Senate vacancies before appointments are made, and to shorten terms, an effort launched in this place in a previous session. In this regard, Prime Minister Harper follows in a long and noble line of federal leaders who have attempted Senate reform. Since 1867, Liberals and Conservatives, there have been 17 proposals at Senate reform and not one has succeeded.

Surely, in a democracy, the more fundamental question is: Should the Senate exist at all? Is a second chamber, as presently constructed, necessary for the democratic governance of a modern Canada? Many democracies operate with only one chamber. While existing governments, legislators, public servants and constitutional scholars should have a say, as should every member of this place, is it not only appropriate that those people are consulted? Surely the people in an open and single question referendum also have the right to participate in this decision.

[Translation]

To make fundamental changes to our system of government, the Crown, Parliament, or the regular election cycle, the current amendment formula requires the consent of all provincial legislatures and the Parliament of Canada.

[English]

It must be unanimous.

In the design of any referendum on the abolition or maintenance of the Senate, it would be of immense value if Ottawa and the provinces would simply agree that Ottawa would sign onto an amendment if 50-per-cent-plus-one majority of Canadians voted for abolition. Any premier would sign on for an amendment if 50-per-cent-plus-one majority of the people in his or her province voted for abolition as well.

The late-night, never-ending First Ministers' conferences where deals might be struck or broken, and constitutional amendments might be lost or won, would be unnecessary. Such a 50-per-cent-plus-one agreement would simply be a formula that embraces the rather dramatic notion that governments work for the people, even on issues of constitutional legitimacy, or perhaps, especially on these issues, as opposed to the other way around.

Moreover, such a referendum would allow us to avoid another cycle of reform contortions until we knew whether Canadians actually wanted the Senate itself to continue in any way.

There is little that is not intriguing about the back flips, acrobatics, artistry, creativity, and physical strength and beauty of the Cirque du Soleil. On Senate reform, however, we cannot continue in perpetuity through a range of acrobatic manoeuvres until the price of admission is paid. We need to know simply if the public wishes to have a Senate at all.

As a member of the Senate, I share the view of many that the Senate, as an institution, and many who have served within it, have done outstanding work for their country. Surely, without the legitimacy of a public and democratic expression relative to the Senate's existence itself, this work is, while interesting and even compelling, a little bit beside the point. There are wonderful, hard-working economists and social policy advisers who laboured for years in the Kremlin. Mother Russia was their only concern. They did good work, they were elected by no one in particular and they had no democratic legitimacy. Doing good work does not constitute, *de facto*, democratic legitimacy.

The Senate's existence via constitutional agreement in the 1860s has forced prime ministers to fill it. Many of those people who have been appointed from partisan or other careers have served with distinction, but those historical facts do not equal legitimacy. They reflect constitutional reality not particularly impacted by any legitimacy except the passage of time, surely a weak proxy for democratic legitimacy conveyed by the people through exercising of their democratic franchise.

[Translation]

Many of those who insist that we still need a Senate — and I am one of them — and even those who claim that an appointed Senate is better than an elected Senate, say that senators have as much legitimacy as judges, who are also appointed by the duly elected government.

[English]

Actually, honourable senators, I submit to you with great respect that there is a huge difference. Judges are appointed to interpret the laws on a case-by-case basis. Senators get to change the law, make law and refine or reject laws sent to it by an elected House of Commons.

• (1650)

The illegitimacy of that status quo emerges from two realities, of which the government to date has tried to address only one. Canadians have no say in who sits in the Senate, and Canadians have never had a say as to whether we need a Senate.

In the most recent U.K. government proposal on reform of the Lords, a review of second chambers across the democratic world concluded that Canada's Senate was the most theoretically powerful of any in the entire world. Surely, it is the spirit of constitutional coherence and stability that we face the issue of legitimacy straight up. Canadians surely have the right to answer a simple question directly. A decent referendum period with a clear question and ample time for information, discussion and debate would facilitate such a response.

We do not need to recreate the wheel. In 1992, the Conservative government presented to Parliament, and Parliament passed, the Referendum Act, which authorizes the Governor-in-Council, in the public interest, to obtain by means of a referendum the opinion of electors on any question relating to the Constitution of Canada. With little fuss, it could be presented to Parliament by the present administration facilitating a referendum on the abolition of the Senate. Perhaps, circumstances willing, this work can be done before the next election.

A simple question — do you want to maintain or abolish Canada's second chamber of Parliament — could be put. The abolitionists can make their case over a period of some weeks. Those in favour of a second chamber, of which I would be one, reformed or otherwise, could make their case as well. There would be regional, demographic and other subsections to the debate, but we would have faced, as a country, the essence of the legitimacy question. For those colleagues across the way and on my own side who have talked about the wording of the question, let us follow the mechanics. If this motion were to pass, and the request went to the Governor-in-Council, the government would have decided to bring in the referendum legislation in which, if they used the 1992 model, Parliament would decide on the wording of the question. Thus, for colleagues on both sides who might be concerned about the wording of the question — some have asked me why the question should not be abolition or reform — there would be ample time for that debate.

If Canadians voted to abolish in sufficient number and with a majority, nationally and in each province, then our leaders would have clear direction to act. If they did not vote thus, then the Senate would have the basic legitimacy required to justify the effort. If the option of abolition were presented, and Canadians were to choose not to take it in sufficient number in a way that obviates and makes easy the amendment, then that would constitute a public consultation and the public would have spoken on the Senate of Canada.

Serving senators who support this proposal, and admittedly there might not be many, might be asked: How can you serve in a Senate that you feel is illegitimate? I do not feel that the Senate is illegitimate but we have a chance to seek legitimacy and have the question put to the public of Canada in an open referendum. As to why those of us who might favour that referendum are still enthusiastic about serving in this place, I, and others, would say: When asked by a prime minister, duly elected under our system to take on a task for the country, one would have to be pretty self-important to say, no. When one takes an oath of service and signs it, one has a duty to serve the institution as it exists to one's best ability.

Surely, that obligation does not imply disengagement from the democratic imperative of legitimacy — and democratic participation in the architecture of legitimacy. The motion I propose will afford parliamentarians a broad opportunity to reflect on the issue and contribute their own perspectives. Should a similar motion be introduced in the House, the debate would be enjoined more broadly still. While I would vote against abolition for reasons that relate to both the need for a chamber that reflects regional and provincial interest and some careful assessment of quickly and often badly drafted federal laws too often passed by the House too quickly, my vote is but one amongst our fellow citizens. My opposition to abolition does not weaken in any way my deeply held belief that Canadians should decide something they have never been allowed to decide before.

One of the core premises of the development of responsible government in Canada is the process of evolution. To be relevant and engaged, all aspects of our democratic institutions must be open to reflection, public scrutiny and public sanction. The Canadian Senate, venerable, thoughtful, constructive and often nonpartisan as it may be, cannot be outside the circle of democratic responsibility.

The Hon. the Speaker *pro tempore*: Would the honourable senator accept questions?

Senator Segal: Yes.

Hon. George Baker: Honourable senators, can Senator Segal explain why Canadians, when there are such pressing issues for their consideration such as wait times in hospitals, Afghanistan and the numbers of poor in this nation today as identified by the Chief Justice last week, would be seized with such an intellectual and academic exercise as the honourable senator proposes?

My recollection of the Referendum Act is that this would be a reverse process. The actual question is decided not only by the Governor-in-Council but also after consultation with the opposition leaders in the House of Commons. A strict procedure is followed, not the exact question of Senator Segal but rather a question that is devised in the House of Commons. The whole procedure is outlined under the direction of the Speaker of the House for a certain number of days. Why does Senator Segal not suggest a question that would be more acceptable to the legislation than the question he proposes? How will he tell Canadians that this question is the important one of the day rather than the real questions facing the Canadian nation?

The Hon. the Speaker *pro tempore*: Senator Segal may answer Senator Baker's question, after which he will have to request extra time to continue.

Senator Segal: With regard to the first part of the honourable senator's question, I disagree with some of his adjectives. The infrastructure of democracy is as important as the infrastructure of social policy, health care system, roads, et cetera. When we do not tend to the infrastructure of democracy, we run into legitimacy problems that can be serious — for example, if we were called upon to pass on matters such as peace and war or conscription, serious divisions that require legitimacy in our chambers. I think Canadians would be engaged. The level of response that I have received from both sides of the issue indicates a willing participation for this kind of debate.

On the second point, I do not purport to be the entire fount of wisdom on the question. I have offered my wording in the motion that I put before this chamber, for its consideration. In invoking the reference to the 1992 referendum statement, I accept fundamentally that a process in that law would have to be followed. It would involve consultation across more than only one party in the other place. In the end, that legislation, or any legislation on a referendum, has to come from the other place. It would have to emanate from the Governor-in-Council in the normative way and they would have to give due consideration. If the motion were to pass second reading and go to committee for study, additional amendments might arise, which might strengthen further the relevance of the motion, should that

transpire. However, if this motion were to pass, then it would be up to the Governor-in-Council how to proceed with Parliament.

[*Translation*]

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Segal's time has expired. Does the honourable senator wish to request more time?

[*English*]

Senator Segal: I would be delighted to have more time to answer questions.

An Hon. Senator: Five minutes.

• (1700)

Hon. Gerry St. Germain: Honourable senators, my question to Senator Segal, as a proponent of Senate reform, is whether he has taken into consideration the question of representation. I believe the subject of representation is important to place on the record.

The region that I represent is the fastest growing region in our country. If a simplistic question were put forward, I fear that would possibly put in jeopardy the institution in which I believe, in its reformed manner. Has the honourable senator given any consideration to that? I realize we are at the embryonic stage of this thought process being brought forward to create dialogue and interest in the country. This subject is critical to those of us from my region, which encompasses Manitoba, Saskatchewan, Alberta, British Columbia, and the Territories. We would be remiss, those of us who represent that region, if we did not mention it. Does the senator have a comment on that?

Senator Segal: I thank the senator for the question. I am cognizant, as are all honourable senators, of the motion advanced by our former colleague Senator Austin and Senator Murray with respect to changing the representation and increasing representation from the West, which I think any thoughtful democrat from that part of the country would support.

If there is a debate between abolition versus reform, it strikes me that those on the side of non-abolition would make the case, and I recall the same sort of debate in the Quebec referendum, as will Senator Joyal and others in this chamber, that when we said vote for Canada and vote no, we said vote for Canada because we will work on constitutional change. We will make it a better balance.

[*Translation*]

We will respect Quebec's legitimate demands!

[*English*]

That is what those of us in favour of Canada argued.

I believe those of us who opposed to abolition would say we vote to keep the Senate because we undertake to make the changes necessary, including the important shift of population that should be reflected in this place and that is underlined in the question. That would change the nature of the debate, and we would then have the public weighing in and giving direction to politicians about priorities such as the very important one that was just mentioned.

Hon. David Tkachuk: Is not a referendum on the Senate a contradiction, since those who wished to maintain the Senate were those who wanted the protection from the majority?

Senator Segal: That is a very good question and an important philosophical point. The case can and has been made — it was certainly made in the wonderful book monographed and edited by Senator Joyal — that the protection of minority interests, the protection of the non-majority and the protection of various groups, has been an important role for this place; I could not agree more.

The notion that protection of minorities would take place in an institution has never received the benefit of public endorsement. Its purpose and presence in the system was never endorsed in any way, electorally or otherwise, which I think diminishes the rather sacred role of minority protection. In a perfect world, that minority protection would become part of the debate, and that would be one of the reasons people voted against abolition, but it would be a public vote, and the importance of minority protection would be part of that dynamic.

I take Senator Tkachuk's point very well, because that approach is an important part of the many contradictions we must face in this debate. I am not suggesting for one moment that the debate is a slam dunk on one side or the other — quite the contrary. I take the view that the maturity of our country, our fellow citizens, is sufficient that we can trust in their judgment, particularly if there is sufficient time to have a discussion on all sides as we have in the past on some issues and where the conclusion was positive — I think of Quebec, for example — and the conclusion in the Charlottetown Accord was at least definitive in terms of direction to the country thereafter.

Senator Tkachuk: Is the honourable senator saying that Prince Edward Island and Newfoundland should trust Ontario?

Senator Segal: No, that is not what I am saying. However, I am saying that with respect to the unanimous amendment that is

required for the Constitution to be changed, if the people of Prince Edward Island, Newfoundland and Labrador and New Brunswick vote against abolition, that will make a unanimous amendment impossible, and that would also be sanctified by public involvement, not just a view of premiers unrelated to public vote.

Hon. Anne C. Cools: Honourable senators, I thank Senator Segal for his rather imaginative presentation. I notice that he has drawn the definition of legitimacy in an extremely narrow way, and he has drawn it essentially to mean direct election. In our system of governance, the Prime Minister is an appointment, as are we. The position of Prime Minister is not an elected position. He has a commission, just as we do. Am I to understand from this motion that the honourable senator is suggesting that the position of Prime Minister in this country is not a legitimate one because it is not directly elected by the public?

Senator Segal: With respect, honourable senators, my proposition is precisely the opposite. I take the position that, in a series of elections that have taken place, legislatively and in a parliamentary context, over 300 of them since Confederation, voters have voted with their feet to legitimize those institutions by voting popularly any way they chose so to do. We have never had a vote on the legitimacy of the Senate. I want a direct vote on the legitimacy of the Senate. I am not making a specific case for an elected Senate. That is a debate for another time and another place. I appreciate the distinction that the question draws in that respect.

The Hon. the Speaker *pro tempore*: Honourable senators, the extension of five-minute has expired.

On motion of Senator Tkachuk, debate adjourned.

The Senate adjourned until Wednesday, October 31, 2007, at 1:30 p.m.

CONTENTS

Tuesday, October 30, 2007

	PAGE		PAGE
Visitors in the Gallery		Criminal Code (Bill C-13)	
The Hon. the Speaker <i>pro tempore</i>	104	Bill to Amend—First Reading	107
<hr/>		Heritage Lighthouse Protection Bill (Bill S-215)	
SENATORS' STATEMENTS		First Reading	107
The Late Captain Matthew Dawe		Hon. Pat Carney	107
Hon. Hugh Segal	104	Access to Information Act	
The Honourable Bert Brown		Canadian Wheat Board Act (Bill S-216)	
Welcome to the Senate.		Bill to Amend—First Reading	107
Hon. Tommy Banks	104	Hon. Grant Mitchell	107
Inter-Parliamentary Union and United Nations Cooperation		The Senate	
Hon. Donald H. Oliver	105	Notice of Motion to Strike Special Committee on Anti-terrorism.	
The Honourable Wilfred P. Moore		Hon. Claudette Tardif	107
Congratulations on Receiving Honorary Doctorate of Laws Degree		<hr/>	
from Saint Mary's University.		QUESTION PERIOD	
Hon. Gerard A. Phalen	105	National Defence	
<hr/>		Afghanistan—Treatment of Detainees.	
ROUTINE PROCEEDINGS		Hon. Céline Hervieux-Payette	107
Study on Operation of Official Languages Act		Hon. Marjory LeBreton	108
and Relevant Regulations, Directives and Reports		Hon. Lorna Milne	108
Government Response to Report of		Foreign Affairs	
Official Languages Committee Tabled.		Licences Issued for Removal of Bulk Water.	
Hon. Gerald J. Comeau	105	Hon. Pat Carney	108
The Estimates, 2007-08		Hon. Marjory LeBreton	108
Supplementary Estimates (A) Tabled.		The Honourable Michael Fortier	
Hon. Gerald J. Comeau	105	Alleged Conflict of Interest—Use of Senatorial Office.	
Correctional Investigator		Hon. Yoine Goldstein	109
2006-07 Annual Report Tabled.		Hon. Marjory LeBreton	109
Hon. Gerald J. Comeau	106	Fisheries and Oceans	
James Bay and Northern Quebec Agreement		Granting of Licences to Mid-water Trawlers to Fish Herring	
Northeastern Quebec Agreement		in Gulf of St. Lawrence.	
2000-01, 2001-02, 2002-03 Annual Reports Tabled.		Hon. Elizabeth Hubley	109
Hon. Gerald J. Comeau	106	Hon. Marjory LeBreton	110
Auditor General		Justice	
October 2007 Report Tabled	106	Cigarette Smuggling.	
Commissioner of the Environment and Sustainable Development		Hon. Larry W. Campbell	110
2006-07 Annual Report Tabled	106	Hon. Marjory LeBreton	110
The Estimates, 2007-08		The Environment	
Notice of Motion to Authorize National Finance Committee		Approach to Climate Change—Carbon Credits.	
to Study Supplementary Estimates (A).		Hon. Grant Mitchell	110
Hon. Gerald J. Comeau	106	Hon. Marjory LeBreton	110
Income Tax Amendments Bill, 2006 (Bill C-10)		<hr/>	
First Reading	106	ORDERS OF THE DAY	
Nunavik Inuit Land Claims Agreement Bill (Bill C-11)		Speech from the Throne	
First Reading	106	Motion for Address in Reply—Debate Continued.	
Bankruptcy and Insolvency Act		Hon. Grant Mitchell	111
Companies' Creditors Arrangement Act		Hon. Hugh Segal	112
Wage Earner Protection Program Act (Bill C-12)		Criminal Code (Bill S-213)	
Bill to Amend—First Reading	106	Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Jean Lapointe	113

	PAGE
Drinking Water Sources Bill (Bill S-208)	
Second Reading—Debate Adjourned.	
Hon. Jerahmiel S. Grafstein	113
Committee of Selection	
Second Report of Committee—Debate Adjourned.	
Hon. Hugh Segal	117
Hon. Anne C. Cools	117
Hon. Pierre Claude Nolin	118
Hon. Tommy Banks	118
Hon. Eymard G. Corbin	119
Hon. Gerald J. Comeau	119
Hon. Terry Stratton	119

	PAGE
The Senate	
Motion to Strike Special Committee on Aging—Debate Continued.	
Hon. Gerald J. Comeau	121
The Senate	
Motion to Urge Governor-in-Council to Prepare Referendum on Whether the Senate Should be Abolished— Debate Adjourned.	
Hon. Hugh Segal	121
Hon. George Baker	124
Hon. Gerry St. Germain	124
Hon. David Tkachuk	125
Hon. Anne C. Cools	125



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA1
Y1
D32



CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 8

OFFICIAL REPORT
(HANSARD)

Wednesday, October 31, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, October 31, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE BILL ROMPKEY, P.C.

CONGRATULATIONS ON THIRTY-FIFTH ANNIVERSARY OF ELECTION TO PARLIAMENT

Hon. Gerard A. Phalen: Honourable senators, it is my great pleasure to rise today to pay tribute to my friend and our colleague, Senator Bill Rompkey, on this, the thirty-fifth anniversary of his first election to Parliament. After that election, Senator Rompkey was re-elected six more times. Having worked on many election campaigns, I completely understand what a monumental accomplishment federal election victories are, and so I tip my hat to Senator Rompkey.

During Senator Rompkey's time in the House of Commons, he served as Minister of National Revenue, Minister of State for Small Business and Tourism and Minister of State for Mines. He also served as chair and deputy chair of a number of committees and parliamentary associations.

The Senate was fortunate to have Bill Rompkey appointed to this place in 1995. In the Senate, Senator Rompkey has served both as whip and Deputy Leader of the Government, as well as on a number of our committees.

Politics and Parliament can sometimes make people jaded and disillusioned, but after 35 years, Bill Rompkey remains a genuine, interested, dedicated and unfailingly feisty parliamentarian.

Senator Rompkey will soon arrive at another milestone. He and his lovely wife Carolyn will celebrate their forty-fifth wedding anniversary next year. After 35 years in Parliament and 45 years of marriage, Senator Rompkey always has a smile on his face.

Bill, I believe you have truly found your soulmate and your calling in life and I congratulate you.

[Later]

Hon. Joan Cook: Honourable senators, I would like to congratulate our colleague and my fellow Newfoundlander, Senator William Rompkey, for 35 exceptional years in politics.

I first met Bill when he was fostering his zeal for education in the affectionately named "Big Land." Bill was the first superintendent of education with the Labrador East Integrated School Board, a position which he held until 1971.

By the end of 1972, Bill had chosen a career path that brought him to Ottawa and put his enthusiasm and educational background to work. He was elected to the House of Commons

for the riding of Grand Falls—White Bay—Labrador and subsequently Labrador.

After many years in various high profile and ministerial positions in the House of Commons, Bill was appointed to the Senate in 1995 by then Prime Minister Chrétien to represent our province of Newfoundland and Labrador.

Bill's commitment to education continued in the Senate, where he was a key player in the long sought after constitutional amendment to the Newfoundland Act in 1998, also known as Term 17. At that time, Newfoundlanders were faced with a provincial plebiscite that asked this question:

Do you support a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious education and observances are provided?

Bill worked tirelessly to get this amendment finalized and was applauded for his success and efforts. This unforgettable legislation will go down in the books as a pivotal moment in Newfoundland's educational history.

Bill is a person of many talents. Fisheries is one of his passions and he has served as an outstanding Chair of the Standing Senate Committee on Fisheries and Oceans, as well as holding numerous other prominent positions within the Senate to date. Above and foremost, Bill always places first the well-being of the people of Labrador, to whom he refers as "my people, the people of Labrador, and the lifeblood of our province for more than 500 years."

Honourable senators, Senator Rompkey's outstanding contribution to Newfoundland and Labrador does honour to him and to this institution. Please join me in congratulating our colleague, Senator William Rompkey, on this monumental milestone.

UNITED NATIONS

SEVENTH ANNIVERSARY OF SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

Hon. Nancy Ruth: Honourable senators, Halloween falls at one of the cross-quarters of the year. We are halfway between the fall equinox and the winter solstice. This is the day that marks the turning, changing, ever moving and revolving wheels of life, time, seasons and planets.

Halloween is a day of celebration. Young ones swirl down our streets like the falling leaves and then are gone. For many women, this is also a time of remembrance and mourning.

Seasons and times change; they have a beginning and an end. An undeniable human constant is violence against women and girls, whatever the season or time. From the witches of old, to our neighbours and family members, to our sisters around the world, violence is a constant.

Today marks the seventh anniversary of the United Nations Security Council Resolution 1325 on Women, Peace and Security. Canada was a member of the Security Council when the resolution was passed. Canada played an active role in advocating for the resolution within the Security Council.

Resolution 1325 calls for the participation of women in peace processes; gender training in peacekeeping operations; protection of women and girls and respect for their rights; gender mainstreaming in reporting and implementation; and changes to the UN systems relating to conflict, peace and security.

Internationally, much remains to be done to operationalize Resolution 1325. Of the 60 million people worldwide who are displaced by conflicts and disasters, some 75 per cent, or 45 million, of them are women and children.

Sexual violence is epidemic in countries and regions, including those where Canada is involved, such as the great lakes regions of Africa, Haiti, Sudan and Afghanistan. Without basic human security, women and girls are unable to participate in debate, elections, or peace negotiations.

Despite its leadership at the United Nations, Canada does not have an action plan for the implementation of Resolution 1325 in its international work, whereas Denmark, Norway, Sweden and the United Kingdom do.

The UN has made some headway, as 10 out of 18 peacekeeping and political missions have a full-time gender adviser, including Afghanistan. Training on sexual exploitation and abuse is mandatory for all personnel on peacekeeping missions.

Canada's implementation is being monitored by the Gender and Peacebuilding Working Group, a broad-based coalition of experienced NGOs. The group has stated that Canada's implementation plan must be a "whole of government plan" with demonstrated commitment of senior leadership.

• (1340)

THE LATE MAJOR DEREK HESS-VON KRUEDENER THE LATE CORPORAL RANDY PAYNE

Hon. Hugh Segal: Honourable senators, in this season of remembrance for our brave men and women who are standing proud for Canada all over the world and risking so much, I want to take a brief moment today to remember two of these soldiers from the Kingston-Frontenac-Leeds area. We in small-town Eastern Ontario sometimes feel sheltered and removed from the realities of what goes on half a world away — and then we read of the sacrifices made by those who are trying to do nothing but good in Canada's name. Major Paeta Derek Hess-von Kruedener, a Princess Patricia Canadian Light Infantry officer from Kingston, died in July 2006 in southern Lebanon. He served at a United Nations observation post and maintained his position under heavy fire.

This past summer, Major Paeta Derek Hess-von Kruedener was posthumously awarded the Meritorious Service Decoration for bringing great honour to the Canadian Forces and to the military profession.

On April 22 of this year, Corporal Randy Payne, the father of two small children, from the tiny town of Mallorytown, with a population of 1000, was killed by a roadside bomb when returning to Kandahar from a goodwill mission in northern Afghanistan. Corporal Payne served as a volunteer firefighter in Mallorytown and his loss was deeply felt in the community.

Honourable senators, I want to pay tribute to these men and to all who have risked so much to maintain Canada's military presence around the world in all manner of service. All through the sovereign counties of Frontenac and Leeds, through little towns like Sydenham, Mallorytown, Athens, Gananoque and others, there are small memorials paying tribute to even greater sacrifices by local residents who volunteered when the need was there and who fought for freedom and stability, to repel aggression in difficult places like Montecassino, Vimy, Kandahar, Korea, Normandy, Hong Kong and elsewhere. These monuments speak to the historical coil that unites all Canadians across the generations, in all ethnic groups, to those from cities, towns and villages, who laid their lives down in the air, on and beneath the sea and on the land so that we may know open debate and freedom in this house and elsewhere.

In Brockville, Gananoque, Mallorytown, Athens, Kingston, Sydenham and elsewhere, we know what these towns gave to Canada's freedom and how little right any who have come after have to underestimate or take for granted the sacrifices made by these young men and women in our national interest.

THE LATE ROBERT GOULET

Hon. Tommy Banks: Honourable senators, I wish to take a brief moment to mark the sudden passing of Robert Goulet last night. Anyone who knows anything about musical theatre or the mechanics of musical theatre knows that Robert Goulet possessed the best voice there ever was in musical theatre. His intonation was unerring and his presence on any stage was a great credit to it. We have all marvelled at some of his performances.

• (1345)

Robert Goulet was an American. He was born in Lawrence, Massachusetts, of French Canadian parents, but they moved to a francophone town north of Edmonton when he was young. Shortly after that, they moved to Edmonton, where he received his education at St. Joseph's High School, and began his singing lessons under the illustrious and now famous Jean Letourneau. In Edmonton, he also began his career singing in musical productions, including the first musical production of Orion Musical Theatre.

He then left Edmonton and went to Toronto, where he became a staple on CBC Television as the male singing partner of Shirley Harmer on Canadian General Electric "Showtime," Sunday nights at eight o'clock. Then, he auditioned for *Camelot*, and the rest is, as they say, history. He became an enormously popular musical theatre star. He starred in Las Vegas and, later in his life, in touring companies of *South Pacific*, in which he played Emile de Becque and, in a remounted touring company of *Camelot*, this time playing Arthur instead of Lancelot.

We are left, fortunately, with a huge legacy from Robert Goulet in his many recordings of various kinds in which his enormous talent is always evident. Robert Goulet was a good man, and he always thought of a large part of himself as Canadian. He was one of the greats of musical theatre.

REMEMBRANCE DAY

Hon. Michael A. Meighen: Honourable senators, one week from this coming Sunday in the eleventh month, on the eleventh day, at the eleventh hour, Canadians will formally take two minutes to remember those who died in the service of their country. It was on that day and at that moment that the armistice was signed in 1918, which finally silenced the guns in the war to end all wars.

Unfortunately, that armistice proved not to be the end of war, and now we also remember our military personnel who lost their lives in other theatres, including World War II, Korea, a multitude of peacekeeping missions and, most recently, in Afghanistan. In total, we will remember more than 116,000 Canadians who did not return to their families.

We mourn their loss, but we celebrate their accomplishments. The number and severity of military conflicts has been greatly reduced. Nations rarely embark today on missions of conquest.

This reduction is part of the legacy which our Armed Forces have helped to create. They have made the world a safer place for their families, for Canadians and for all of humanity. They continue their work on our behalf to the present day.

Their sacrifices have been many: not only lives lost, honourable senators, but lives changed forever. Captain Trevor Greene is one such individual. Some 20 months ago, while serving as a member of the reserves in Afghanistan — and we must remember what a vital role the reserves play in our Canadian Forces of today — Captain Greene was struck in the back of the head with an axe while in discussions with villagers. Many people would not have survived, but he did, and is continuing a lengthy, painful and difficult rehabilitation process.

Many Canadians find they have connections, both direct and indirect, with those who serve. I was interested to learn that I have two connections with Captain Green. He has family in St. Andrew's, New Brunswick, where I have a home, and he is a graduate of the University of King's College in Halifax, where I have the honour to be chancellor.

Those most touched remember every day the sacrifices they and their families have made, and continue to make. They understand the importance of the work being done to bring about peace and stability in Afghanistan and throughout the world.

The goal is yet to be achieved and may never be achieved, but progress has been made and is being made, and the work is important. We do not send our people into harm's way without good reason.

I have been privileged to meet some of the fine men and women in our military services who have returned from engagements abroad. These experiences are not shrugged off and forgotten. Many of those serving are profoundly affected. Some will suffer in varying degrees for the rest of their lives. The physical injuries are the most tangible, honourable senators, but, in some cases, not the most difficult.

[Translation]

This Remembrance Day, let us think not only about those who sacrificed their lives, but about those who have suffered and are still suffering the terrible consequences of conflict. Let us pray for peace and for those who have given so much to build peace.

• (1350)

ROUTINE PROCEEDINGS

SECURITY INTELLIGENCE REVIEW COMMITTEE

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of the Security Intelligence Review Committee.

THE ESTIMATES, 2007-08

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES AND TO REFER DOCUMENTS AND EVIDENCE OF PREVIOUS SESSION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10; and

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-Ninth Parliament be referred to the Committee.

[English]

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—FIRST READING

Hon. Pat Carney presented Bill S-217, An Act to Amend the International Boundary Waters Treaty Act (bulk water removal).

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carney, bill placed on the Orders of the Day for second reading two days hence.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

FIRST READING

Hon. Gerard A. Phalen presented Bill S-218, an Act to Amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Phalen, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I give notice that at the next sitting, I will move:

That Committees be authorized, pursuant to Rule 95(3)(a), to meet between Monday, November 5, 2007 and Monday, November 12, 2007, inclusive, for the purposes of holding organization meetings, even though the Senate may then be adjourned for a period exceeding one week.

• (1355)

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

THE AUDITOR GENERAL'S REPORT— INDUSTRIAL SECURITY OF CLASSIFIED INFORMATION IN AWARDING CONTRACTS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government given that the Minister of Public Works and Government Services is absent. I am not really surprised that he is not here given that, in her report tabled yesterday, the Auditor General severely reprimanded the Minister of Public Works with regard to management of industrial security in awarding government contracts. According to the report, these failures are serious because they pertain to issues of national security.

What do the minister and her government intend to do to assure us that the Department of Public Works exercises its role and responsibilities with respect to the industrial security program?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. Since she directed the question to the Minister of Public Works, in his absence, I will take the question as notice.

[Translation]

Senator Hervieux-Payette: Since we are discussing the issue of national security, I would like to draw the minister's attention to the recent conclusions of the Auditor General, who found that certain government officials tried to circumvent security procedures in order to reduce costs and avoid delays in a major DND project.

The minister should pay close attention to such important issues involving national security, issues that her government professes to champion, although in reality, the matter seems to be eluding this government.

[English]

Senator LeBreton: Honourable senators, there is no question that the government takes all issues of security seriously. The Auditor General's report has been received. We very much appreciate the Auditor General for focusing in on these issues; they are very important to the government and to all of us.

I believe that the Auditor General has highlighted some areas where improvement is needed. The government is committed to responding to the Auditor General's report in an effort to alleviate some of these situations.

[Translation]

CITIZENSHIP AND IMMIGRATION

CANADA-QUEBEC ACCORD RELATING TO IMMIGRATION AND TEMPORARY ADMISSION OF ALIENS

Hon. Jean-Claude Rivest: Honourable senators, my question concerns the integration of immigrants. This is a sensitive and difficult issue that is important both to Canadian society and to the people concerned.

This problem takes on a unique dimension in Quebec, because language is added to all the difficulties that face newcomers to Canada.

In the early 1990s, in the wake of the Meech Lake Accord, the then Prime Minister of Canada, Mr. Mulroney, signed an agreement with the Premier of Quebec, Mr. Bourassa, that recognized this inherent difficulty for immigrants who wanted to integrate into Quebec society. Under this agreement, the federal government transferred public service employees and an estimated \$400 million to the Government of Quebec.

This very important program has been extremely beneficial for Quebec society and has proven effective not only in integrating newcomers economically and socially, but also in helping them with the often difficult process of learning French. The success of

this program maintains the linguistic balance within Quebec, which, as we all know, is of primary importance in maintaining national unity.

• (1400)

Recent news reports have indicated that the Government of Canada's \$400 million contribution was transferred directly into Quebec's Consolidated Revenue Fund, but the Government of Quebec has allocated only \$200 million to the immigrant integration program.

I hope that this information is wrong. Given the size of the federal government's contribution, the needs and the seriousness of the issue, the Government of Quebec should allocate the federal government's contribution in full to the integration of immigrants.

That was the goal of both the prime minister and the premier who signed the accord; I hope that that is exactly what the Government of Quebec will do.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The honourable senator is quite right, the 1991 Canada-Quebec accord on immigration, to which he referred, provides Quebec with an annual grant from the Government of Canada to support settlement and integration services in Quebec for which Quebec has exclusive responsibility. The funding associated with the accord is in the form of a grant, but the grant is transferred through the Quebec government's Consolidated Revenue Fund and not through the Quebec Ministry of Immigration, and the provincial government reports to the public on the use of the grant through the public accounts.

As the honourable senator will recall, the accord states that the funding must be used for reception and integration services if:

- a. those services, when considered in their entirety, correspond to the services offered by Canada in the rest of the country;
- b. the services provided by Quebec are offered without discrimination to any permanent resident of Quebec, whether or not that permanent resident has been selected by Quebec.

The short answer to the question is that both the federal and provincial governments have guidelines for public reporting to the respective populations on the policies and outcomes of this program, but the language of the accord is clear that it is to be used for the purposes of accepting and welcoming immigrants into Canada.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

CHILD TAX BENEFIT

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the Chief Justice of the Supreme Court of Canada lamented the fact that one in six Canadian children live in poverty. This Conservative government record of solving child poverty has

been dismal. The recent Speech from the Throne added nothing new to help those children in the worst of circumstances. Yesterday's announcement from the Minister of Finance was more of the same Conservative approach — government by tax cut — which means that the poorest families in our society receive the least amount of help, while the wealthiest families benefit the most.

Perhaps we should not be surprised, because this is the same government that introduced the child tax credit, a \$2,000 non-refundable tax for parents who pay income tax. This tax credit means absolutely nothing to low-income families, because it is non-refundable, meaning that those parents who do not earn enough to pay income tax receive absolutely nothing for their children.

In light of the large surpluses that the government has announced, why did this government not bring forth a refundable tax credit that would be of benefit to parents who need it the most?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. The economic update announced yesterday by the Minister of Finance was in direct relation to the Speech from the Throne, in which the government committed to broad-based tax cuts. Obviously, everyone could mention areas for which they think tax cuts should be brought forth, but this is a broad-based tax cut. We have dealt with many issues, such as poverty, in the previous budget.

• (1405)

Just to refresh the honourable senator's memory, Budget 2007 introduced the Working Income Tax Benefit, worth \$550 million per year, to help low-income Canadians get over the so-called "welfare wall." Budget 2006 — our first budget — provided for new housing trust funds for provinces and territories for affordable housing, including funds for Aboriginal people off-reserve and northern housing. It also cut the GST, and we have cut it again.

By the way, the GST rebate — even though we have cut the GST to 5 per cent — still stays in place. We have cut the GST twice, introduced the universal child care benefit and raised the child disability benefit.

The new homelessness partnering strategy, worth \$269 million over two years, took effect on April 1 of this year. We are also providing \$256 million to a two-year extension of the Canada Mortgage and Housing Corporation's Residential Rehabilitation Assistance Program, which provides renovation projects to low-income households and also allows senior couples to reduce taxes by transferring half their eligible pension income to the lower-income spouse.

Hence, it is quite incorrect to say that this government is not addressing the very real concerns about poverty in this country — and we have only been here for two years.

Some Hon. Senators: Hear, hear!

Senator Callbeck: Honourable senators, I asked the minister about the child tax credit, and the minister has not answered my question. This tax credit does not do anything for the children of

parents at the lowest income levels. In fact, the child tax credit has the effect of increasing the gap between the rich and the poor, because only parents who pay income tax will receive anything through this benefit.

When will the Conservative government acknowledge that this child tax credit fails to do anything for children who need it the most? When will this government implement a tax measure that actually helps all families with children, including families with the lowest income?

Senator LeBreton: Honourable senators, by the way, today the Leader of the Opposition in the other place said he would consider rescinding our commitment to reducing the GST.

Honourable senators, we have removed a great number of people off of the tax rolls, and families with young children get \$100 per month per child for every child under the age of six. That is of direct benefit to all families.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ARCTIC SOVEREIGNTY

Hon. Willie Adams: Honourable senators, I have a question for the Leader of the Government in the Senate in relation to the announcement in the last Throne Speech about Arctic sovereignty. We have been in the Arctic for thousands of years — since the beginning. In the last few years, we have experienced climate change. As a result, Arctic sovereignty will be a determining factor in the future of Nunavut. We settled land claims in 1993 and the Nunavut government was created in 1999, with 19 elected members. Those elected people are concerned about how they will develop Arctic sovereignty.

Arctic sovereignty began in 1953 — that is 54 years ago — with the settlement of Resolute and Grise Fiord. Last June, I was in those two communities.

• (1410)

These communities have families with land, homes and children who are growing up there. They like living in their communities. In the beginning, Arctic sovereignty was a separate issue. The government put up the land and there was a connection to northern Quebec. The people of Nunavut would like to be part of the development of Arctic sovereignty.

The Inuit of this region know the water and the land and are familiar with the ways of the North. It is a good thing for the young people up there today to join the military and the navy, in order to have control in the future of Arctic sovereignty. My question to the Leader of the Government in the Senate is what is the intention of the government in relation to the Inuit and Arctic sovereignty?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. I am proud to be part of a government that has focused on the issue of Arctic sovereignty, most particularly because it was something that was brought to the public eye by Prime Minister John George Diefenbaker and then Minister of Northern Affairs and Natural Resources Alvin

Hamilton. The program was called “Roads to Resources.” I reminded honourable senators in the last session of Parliament that this program was belittled and derided by the then Liberal opposition leader Lester Pearson when he described it as “Roads from Igloo to Igloo.” Those were his exact words.

Honourable senators, the Throne Speech, made considerable mention of the government’s intentions for the North in a wide variety of areas. Our integrated northern strategy will be built on the objectives of economic and social development, sovereignty, openness, environmental protection and, more important, we will be working closely with the Inuit in all aspects of this development.

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY—INVOLVEMENT OF RANGERS

Hon. Roméo Antonius Dallaire: Honourable senators, this history lesson about half a century ago with Prime Minister Diefenbaker and the Arctic is fine, but one must wonder, over those years, even during Conservative governments, about whether or not we were interested in doing anything. We have not moved very far. It is also interesting that in the 1987 white paper that Perrin Beatty brought in there was a plan to build an Arctic base. Two years later that same government crashed and destroyed that plan, and we ended up with a white paper but no money and no military.

My question is in regard to the rangers. Does this government intend to use the incredible capability to which Senator Adams referred and install rangers as a permanent force in the North instead of engaging them on a part-time basis and hauling them in when we in the South feel like it?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. Part of the answer to the question was provided by Senator Adams in his preamble. It was another Conservative government that established Nunavut in the first place and settled the lands claims, even though it was the subsequent government that was there to “pick the flowers,” so to speak, on the issue.

In any event, as I responded to Senator Adams, the government is committed to the entire question of Arctic sovereignty and the involvement of the Inuit in all aspects. I will make the views of the honourable senator in regard to the rangers known to my colleagues in the Department of National Defence.

• (1415)

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ARCTIC SOVEREIGNTY— ECONOMIC AND RESOURCE DEVOLUTION

Hon. Hugh Segal: Honourable senators, I ask the Leader of the Government in the Senate, in support of the question put by my colleague, Senator Adams, whether she might inquire of the Privy Council Office for a list of all the negotiations that have taken place over the last many years relative to economic and resource devolution, which I believe was mentioned in Her Majesty’s speech and is part of the government program?

A great prime minister once said that the best indication of sovereignty is economic self-sufficiency. The governments of the Northwest Territories, Nunavut, the Yukon and others have been looking for a measure, as my honourable colleague will know, with respect to devolution. I believe they have seen many negotiations proceed in good faith, led by politicians of all parties, only to be slowed down by, I am sure, distinguished, but in my view wrong-headed, public servants in the Department of Finance and at Treasury Board who have stopped the process from going ahead. If the minister could share with us the history of those negotiations, I think that information would allow this chamber to be supportive of the government in every respect relative to the devolution proposition advanced in the Speech from the Throne, which was encouraging to many of us in this chamber.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I should add, in response to Senator Dallaire's question, that we have already committed to expanding and re-equipping the rangers and adding 900 members. I meant to report that.

Senator Segal asked for a long shopping list of some detail. I am happy to take the question as notice to provide him with a lengthy written response.

LIBRARY AND ARCHIVES CANADA

HOURS OF OPERATION

Hon. Lorna Milne: Honourable senators, Treasury Board documents reveal that when the National Archives and the National Library merged to form Library and Archives Canada in 2002, the transformation was not in any way supposed to reduce the quality of service delivered by the new institution. Both institutions viewed the move as a strategic opportunity to expand their mandates and to serve Canadians better. However, as of September 1, service hours at the National Library have been reduced from 47.5 hours per week to 30 hours per week.

In addition, reading rooms that were accessible to researchers between eight o'clock in the morning and eleven o'clock at night, seven days a week, are now open only until 8 p.m., and are closed on the weekend.

My question for the Leader of the Government in the Senate today is: What message is this government sending to Canadians when it starves the archives for money so these changes needed to be made? Is it okay to be interested in our own history but only during business hours?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what circumstances prevailed in establishing new hours of operation for the Library and Archives Canada so I will take the question as notice.

Senator Milne: Honourable senators, I thank the leader for that answer. I look forward to the response. Researchers from all over Ottawa and Canada converge on Ottawa to get their hands on the tangible documents that depict and explain Canada's history. While I can appreciate the mandated need of Library and

Archives Canada to now cut costs, I do not believe it should result in a tangible reduction to the quality of the service delivered to Canadians.

The argument that more research occurs online is true and it is good, but only 1 per cent of the collection is presently online. Therefore, I would like the Leader of the Government in the Senate to inform honourable senators how much money these changes will save Library and Archives Canada, how many people have been taken off digitizing the present collection to keep the open hours, and how many positions will be completely lost because of these changes?

Is this government comfortable in knowing it is restricting all Canadians from accessing their own history for the sake of a few GST dollars that will amount to about one cent on each cup of coffee that Canadians drink?

Senator LeBreton: Honourable senators, this government, probably for the first time in some time, is concerned about our history, our heritage and the fact that we have a great history and a great heritage. Unfortunately, our Canadian youth, perhaps, are not as aware.

• (1420)

I am deliberately not looking at Senator Milne because I am sure she is going through one of her song and dance routines again.

Senator Milne's question was long and detailed. The government, of course, would not want in any way to restrict access to valid information that would help Canadians to better educate themselves, to know our history and to share a sense of pride in the country.

I shall take Senator Milne's question as notice — because to be perfectly honest, I had not heard that Library and Archives Canada had changed its hours. I know I am responsible for answering all questions on behalf of the government, but the opening and closing hours of Library and Archives Canada has not crossed my desk.

THE ENVIRONMENT

CLIMATE CHANGE—GREENHOUSE GAS EMISSIONS

Hon. Francis William Mahovlich: Honourable senators, I rise today to ask a question to the Leader of the Government in the Senate about the very important issues of the environment, climate change and the Kyoto Protocol.

On October 25, when Senator Tkachuk spoke on this same topic, he referred to an article by Gwyn Prins and Steve Rayner entitled "Time to Ditch Kyoto," which was published in the British science journal, *Nature*.

In that article, the authors talk of how the Kyoto Protocol has failed to fight climate change. They talk of how the less than 20 of the 194 countries in the world that are responsible for about 80 per cent of the world's emissions — one of which is our very own home and native land — have failed to reduce their greenhouse gas emissions.

The authors stress that there is a great need for increased spending on clean energy research and development. In their words, spending on research and development should be “on a wartime footing.”

As an example, the U.S. spends about \$80 billion per year on military research. Messrs. Prins and Rayner argue that an equal amount should go toward finding ways to decarbonize the global energy system.

I believe, as the article states, there is no silver-bullet solution to climate change; rather, a multi-pronged, silver-buckshot approach may be better. Either way, the issue cannot be ignored and must be acted upon immediately. The issue of climate change is an important matter, one that affects Canadians of all political stripes. It is my hope that the government will not side-step this issue.

To bring the point home, federal John Baird, the Minister of the Environment, has said that the government intends to forge ahead with its own strategy for reducing greenhouse gases domestically while working with other countries on long-term solutions.

My question to the government leader is as follows: When will the government rise to the challenge and tell Canadians how it plans to reduce greenhouse gases?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. The answer to the question is that we are doing it now.

On the Kyoto accord, even Liberal members, including the leader and deputy leader, have acknowledged that it is impossible to meet the Kyoto targets. Even Eddie Goldenberg, who worked for then Prime Minister Chrétien, in his book said that the Kyoto Protocol was signed without any idea as to how to implement it.

I shall take this opportunity to refresh Senator Mahovlich's memory on some of the things this government is doing to reduce greenhouse gases.

• (1425)

On the subject of climate change, this government has demonstrated leadership at home with our plan to achieve an absolute reduction in greenhouse gases of 20 per cent by 2020, and of 60 per cent to 70 per cent by 2050. We have demonstrated leadership in the world, as has been acknowledged by other world leaders, including environmentalists, at the G8, APEC and the UN. We have invested \$375 million in conservation programs and to protect heritage places such as Nahanni National Park Reserve and the Great Bear Rainforest. Last week the Prime Minister and the Minister of the Environment were in Northern Ontario with the Honourable Joe Comuzzi to designate the northern part of Lake Superior as an environmental heritage site — the largest in the world. In the area of enforcement, we are getting tough on those who poach and plunder.

The Hon. the Speaker *pro tempore*: Honourable senators, the time for Question Period has expired.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, for the second reading of Bill S-3, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

Hon. George Baker: Honourable senators, I wish to congratulate those honourable senators who were involved for many years with the Special Senate Committee on the Anti-terrorism Act to study and produce a report on the subject of terrorism. The work done by those in this place has been recognized by the Prime Minister, by the Minister of Justice and by the Leader of the Government. The Senate is regarded as the place where the expertise lies in regard to this subject matter and that is why the government decided to introduce Bill S-3 in the Senate rather than in the House of Commons.

I watched Senator Segal on television last night, although I do not know if the program was pre-recorded, where he praised the Senate on its great work on the subject of this bill and on other subjects as well.

Some Hon. Senators: More, more.

Senator Baker: Honourable senators, I do not have a written speech, so I will not speak long on this matter. However, I will try to address the key portions of the proposed legislation. The position taken by the Liberal leader in the House of Commons is no different than that taken by the members of the special Senate committee; they both agree that change must be made to the legislation.

Today we are dealing with proposed legislation that speaks to the sunset provision that caused certain aspects of the act to come to an end. I was involved with the original legislation in the other place prior to its enactment. Certain subjects arose that continue to arise. These subjects include the provisions dealing with investigative hearings, or as the Supreme Court of Canada has relabelled them, “judicial investigative hearings,” and the provision on recognizance, which means “bail,” as the Honourable Senator Oliver would tell us.

These provisions do not relate to arresting someone when there are reasonable grounds to believe that they are about to commit an indictable offence or when they have committed an offence. These provisions have gained the interest of academics and the general population alike because they are extraordinary measures.

• (1430)

In other words, the first measure deals with the provision to bring somebody before a judge by subpoena or by arrest, who, perhaps, on reasonable grounds, has knowledge of the whereabouts of somebody who may be suspected of being involved in a terrorism activity, as defined under this section. Imagine that.

The second portion is equally as extraordinary because it deals with detention and recognizance for somebody who is suspected of having something to do with a terrorism activity. As you know, to arrest somebody, you require reasonable grounds to believe. Senator LeBreton has been involved for many years in the section of the Criminal Code dealing with impaired driving, and she has made a great effort to bring justice to that provision and to stop the great destruction occurring on our highways. When we look at that provision, the most litigated part of the Criminal Code, we see this great difference between suspicion and belief. In other words, the indicia for belief could be ten particular subjects, whereas suspicion could be only one indicium. Therefore, there is a great line there. That is why this legislation has raised such interest in the general public.

Honourable senators, when we dealt with the change in the House of Commons and then here in the Senate, many of us believe that changes made to this legislation right now bring it in line with what the Senate committee had recommended, and the Leader of the Opposition, Stéphane Dion, had suggested.

However, another element that has not been addressed is the decisions of the Supreme Court of Canada that might suggest this bill be amended. The Prime Minister has said no amendments. I hope one of my colleagues will address this question in a speech where the Prime Minister dictates that no amendment should be given to this bill in the Senate, or it may trigger an election. I imagine one of my colleagues will address this question in a future speech.

This bill comes here for first consideration. This is not sober second thought. This is first thought. Under normal circumstances, if an amendment is to be made to the bill, the government normally brings it in. That process is the normal one. Therefore, let us suggest to the government today that perhaps the government should introduce two possible amendments in the committee to bring it in line with decisions of the Supreme Court of Canada.

Three decisions have been made on this bill by the Supreme Court of Canada. Is it not remarkable to pass a bill in the House of Commons, effective December 2001, and since that time to have to deal with three decisions by the Supreme Court of Canada on this little bill we are dealing with today? That is extraordinary.

The first decision of the Supreme Court of Canada was to say that the provisions of the bill did not contravene section 7 of the Charter. The provision of the bill that we are about to take up in the particular instance referred to the Supreme Court of Canada. It had to do with compelled testimony and whether that testimony could be used against that person in a future proceeding. I will read for you the judgment of the court from the Supreme Court of Canada, which backs up the government in producing this bill.

I will read the head note. It is much simpler. It provides a summary done by the publishing agent Westlaw. The date of the judgment is June 23, 2004, and it is entitled, Application under Section 83.28 of the Criminal Code, which is what we are dealing with, and it is identified as 2004 Carswell B.C. 1378.

It says the following:

Section 83.28 of Criminal Code, dealing with investigative hearings related to terrorism offences, does not infringe s.7 of Canadian Charter of Rights and Freedoms —

Procedural protections available to “named person” subject to order to attend for examination at judicial investigative hearing were equal to and, in case of derivative use immunity, greater than protections afforded to witnesses compelled to testify in other proceedings, such as criminal trials, preliminary hearings or commission hearings . . .

Imagine; there is greater protection in this bill, according to the Supreme Court of Canada, as it relates to this subject. Every time I think about this subject, I think about my honourable friend to my left, Senator Grafstein, because with respect to derivative use immunity, the case in that, as Professor Oliver Wendell Holmes will attest to, is *British Columbia Securities Commission v. Branch*. In that case, Justice Sopinka delivered the decision of the court on derivative use immunity, apart from use immunity, and said that under no circumstances could the evidence be used in a future proceeding.

In this bill, it says only in a criminal proceeding. When we read the bill, it is clear that, perhaps, on this one point, the Supreme Court of Canada is correct. They are the authority. I do not think someone could question that aspect of the legislation. It is explicit in the bill.

I remind honourable senators that five sections define “judicial proceeding” in section 118 of the Criminal Code. Honourable senators will notice in this bill that with respect to certain provisions on terrorism, the restrictions do not pertain to section 132 and section 136. First, a judicial proceeding, according to the law, is a proceeding established by an order of the court or the court itself, and then it goes to the Senate and the Senate committees. Then there are the punishments after that, for perjury. Anyone who intentionally misleads a Senate committee is liable to 14 years in jail.

Senator Segal has asked an interesting question: Does that punishment apply to senators? Senators may have privilege in that particular case, but it is an interesting point. I wonder why Senator Segal is asking.

As we continue, that was the judgment of the Supreme Court of Canada on this particular section. However, honourable senators, there is a little warning here from the academics.

• (1440)

Some of us here are prolific readers of case law. We subscribe to Quicklaw and WestlaweCARSWELL, and every morning we turn on the computer and read the cases. Many senators in this place do that. We do not go to movies or read novels; we read case law.

At the beginning of every reported case there is an annotation. There are certain professors of law in Canada, very distinguished people, who are called upon to pass judgment on a judgment as an annotation to the decision. In this particular case, it was Tim Quigley, a famous author of law at the University of Saskatchewan.

He criticized the decision that was made at the time. At the end, he wrote:

When Parliament reviews investigative hearings and other aspects of the anti-terrorism legislation in 2007, unless other events point to a continuing need for these draconian provisions, let us hope that our Parliamentarians refuse to extend them.

That is an extraordinary annotation to have on a piece of legislation by a professor. That began, honourable senators, by saying:

It is reassuring, therefore, that a majority of the Court at least upheld the principle of open courts in the companion case, *Vancouver Sun, Re* . . .

When we read this bill, what do we see? We see *ex parte*, privacy and secrecy, do we not?

Senator Grafstein: The light does not shine into the Star Chamber.

Senator Baker: That is correct.

The Vancouver Sun, Global Television and the *National Post* said that they had discovered that this proceeding had taken place through serendipity, and that that contradicts the principles of freedom of the press and open courts.

Mr. Quigley has just told us that there was an accompanying decision that said that these proceedings must not just be held *ex parte* but in open court.

We now come to the first suggested amendment from the government to bring it in line with the Supreme Court of Canada decision in *Vancouver Sun, (Re)* of the Supreme Court of Canada, 2004, CARSWELL, B.C. 1376, a decision made June 23, 2004.

As honourable senators know, it is not unusual to have something start *ex parte*. If an order has already been given by a court but you do not have an entire proceeding *ex parte*, you would have it *inter parte*, in which notice is given to the other side that it is taking place.

In this case, we have a bill that was interpreted by the courts as meaning “in secret” simply because it started *ex parte*. When an interesting decision is made and the Supreme Court of Canada invents a new word or phrase, that word or phrase is explained at the beginning of the case. In this case they invented the phrase “judicial investigative hearing,” which is not contained in the bill. They explain what that phrase means. This is a decision of Iacobucci, Arbour, McLachlin, Major, Binnie and Fish — six justices, which is a fairly solid decision of the Supreme Court of Canada — although any decision of the Supreme Court of Canada is solid; it does not matter what it is.

In this particular case, the three remaining justices wanted to go even further. Let me read this judicial investigative hearing decision for honourable senators. First, in the definition, it says:

The judicial investigative hearing provided for in s. 83.28 of the *Code* is a procedure with no comparable history in Canadian law. It provides essentially that a peace officer, with the prior approval of the Attorney General, may apply *ex parte* to a judge for an order for “the gathering of information”.

The Canadian press is saying to the Supreme Court of Canada: We have such a thing as a principle of open court. We have freedom of the press. We want to be included in this action. We want to know what is going on.

The Supreme Court of Canada made their decision. At paragraph 53 they said this:

. . . it is clear under s. 83.28(5)(e) . . .

This is in the bill.

. . . that the terms and conditions attached to the judicial investigative hearing must be varied and adjusted to achieve the proper balance between confidentiality and publicity as the matter progresses.

Then they went on to make some statements. I will read the first line of each of these parts.

Paragraph 23 states:

This Court has emphasized on many occasions that the “open court principle” is a hallmark of a democratic society and applies to all judicial proceedings.

Then they refer to all of the cases.

Paragraph 24 begins as follows:

The open court principle has long been recognized as a cornerstone of the common law.

Then they refer to many cases.

Lord Atkin is quoted as saying:

“Publicity is the very soul of justice. It is the keenest spur to exertion, and the surest of all guards against improbity”. . . .

Paragraph 25 states:

Public access to the courts guarantees the integrity of the judicial process by demonstrating “that justice is administered in a non-arbitrary manner, according to the rule of law”. . . . Openness is necessary to maintain the independence and impartiality of the courts.

Paragraph 26 states:

The open court principle is inextricably linked to the freedom of expression protected by s. 2(b) of the *Charter* and advances the core values therein The freedom of the press to report on judicial proceedings is a core value. Equally, the right of the public to receive information is also protected by the constitutional guarantee of freedom of expression

The decision also recommends that pre-trial proceedings are of an open-court nature.

The suggested amendment that the government should think about bringing forth is in the decision of the Supreme Court of Canada. I will read it; it is a paragraph long. The amendment would be after the section referenced at paragraph 57:

That the proposed judicial investigative hearing be held in public, subject to any order of the presiding judge that the public be excluded and/or that a publication ban be put in place regarding aspects of the anticipated evidence to be given by the Named Person.

Paragraph 58 also orders that:

... the investigative judge review the continuing need for any secrecy at the end of the investigative hearing and release publicly any part of the information gathered at the hearing that can be made public without unduly jeopardizing the interests of the Named Person, of third parties, or of the investigation. . . . Even in cases where the very existence of an investigative hearing would have been the subject of a sealing order

Senator Andreychuk, a former judge, tells me that sealing orders are used in a controlled drugs and substances case where a police officer swears an affidavit that gives names of informants, where they say who did what and they do not want to expose that information. That affidavit is then sealed. It can be unsealed by an application, but when it is unsealed, everything is blacked out, such as the name of the informant or anything that would lead to the identification of an informant.

• (1450)

Regarding the subject of a sealing order, “the investigative judge should put in place, at the end of the hearing, a mechanism whereby its existence, and as much as possible of its content, should be publicly released.” That is the Supreme Court of Canada in *Vancouver Sun (Re)*. Those are not my words, nor those of a Senate committee, nor the words of a judge of the Supreme Court. Those words can be found in the Supreme Court of Canada judgment in *Vancouver Sun (Re)*. We would strongly recommend that the government have a look at that, as a possible amendment.

The second amendment concerns the second portion of this bill, which involves bail. The word “bail” is not used. The term “judicial interim release” or “show cause hearing” is sometimes used. In the bill before us, the term that is used is “recognizance with conditions.”

I was wondering if Senator Smith was present in the chamber — because I was intending to quote from a decision by a Ontario Superior Court justice by the name of Smith. Nevertheless, perhaps the most important part of this bill is when it says that “the judge shall order that the person be released unless the peace officer. . . .” With respect to the recognizance, I am looking at proposed section 83.3(7)(b)(i) of Bill S-3, which states — and I quote:

(i) the judge shall order that the person be released unless the peace officer who laid the information shows cause why the person's detention in custody is justified on one or more of the following grounds:

Honourable senators, this is detention. In other words, we have someone who is not accused of a criminal act, who is not believed to be a criminal or even believed to be likely to commit a criminal act in the future. What we are talking about is a person who could know the whereabouts of someone or on reasonable grounds know the whereabouts of someone who is a suspect.

Who are these people? The first clause of this bill talks about being able to arrest these people and bring them in. What people on reasonable grounds would know the whereabouts of a suspect? We could be talking about anyone — a priest, a member of someone's family, a spouse, although a spouse, under the Canada Evidence Act, cannot give evidence against another spouse. That is not excluded in this bill. We could be talking about the paper boy, the milkman, a teacher, a senator or a politician. Anyone who has intimate knowledge of the whereabouts of a person is subject to an investigative order.

The proposed section — part of which I quoted a moment ago — encompasses seven paragraphs, all of which is taken word for word from the Criminal Code on bail, section 515(10)(c).

When I first read this bill, these words — which I shall quote momentarily — jumped out at me just like a Mack Truck. “This is a gaping hole,” I said to myself. Let me quote: “And

(C) any other just cause and, without limiting the generality of the foregoing. . .

“Any other just cause” — to do what? To detain someone in jail. If you say you are detaining someone until they get a recognizance but then it continues if they do not obey the recognizance, they are subject to 12 months in jail, *ex parte*.

The interesting part is these words that jumped out at me, honourable senators, because of a decision of the Supreme Court of Canada. Since we passed this in the House of Commons, when I was there — and the Senate had it as well — there was a decision by the Supreme Court of Canada striking down that section, taking it out. Yet, it is again reproduced. It was in the Criminal Code previously because there was no decision to excise it at the time. There are many decisions. Every jurisdiction in this country has made a decision on this and they have said these words must be removed.

I will not quote from Judge Smith of the Superior Court of Ontario, but let us go to the Manitoba Court of Queen's Bench — which is the Superior Court in the province of Manitoba — and all of the other provinces are the same.

Let us look at a B.C. ruling, 2005 CarswellBC, 3156. Here are the words:

The constitutionality of this provision was addressed by the Supreme Court of Canada in *R. v. Hall* (2002), 167 C.C.C. (3d) 449 (S.C.C.). Mr. Hall was charged with first degree murder. The victim had been killed in her own home. She suffered 37 stab wounds. Her injuries were such that it appeared that her assailant intended to cut her head off. The horrific nature of the crime led to significant media attention and raised significant public concern in the community in which it occurred. . . .

The court found that the opening clause, namely: “on any other just cause being shown and, without limiting the generality of the foregoing. . .” was unconstitutional. . .

We are talking about the tertiary or the third ground in this bill. There are three grounds; everyone knows the grounds. First, the person will be released, unless there is a belief that the individual will not show up for court; the second ground is that if the individual is believed to be a danger to society, he or she will not be released. The third ground is the ground I am about to reference, a portion of which has been struck down.

I shall now reference the Manitoba Court of Queen’s Bench, 2007 CarswellMan 190. The reference to the tertiary ground is as follows. It says at paragraph 22 — and I quote:

[22] The first phrase of s. 515(10)(c) which permits denial of bail “on any other just cause being shown” is unconstitutional.

J. Sinclair is quoting the Chief Justice of the Supreme Court of Canada. He states:

Even assuming a pressing and substantial legislative objective for the phrase “on any other just cause being shown”, the generality of the phrase impels its failure on the proportionality branch of the *Oakes* test (*R. v. Oakes*, [1986] 1 S.C.R. 103). Section 52 of the *Constitution Act, 1982*, provides that a law is void to the extent it is inconsistent with the *Charter*. It follows that this phrase fails. The next phrase in the provision, “without limiting the generality of the foregoing”, is also void, since it serves only to confirm the generality of the phrase permitting a judge to deny bail “on any other just cause”.

Honourable senators, this is fairly clear. I suppose one could argue — but I doubt it — that this was struck down within the meaning of this section of the Criminal Code and we are now introducing another section of the Criminal Code that says the same thing, so perhaps the courts will not attribute the same reasons to it. I notice the professor nodding his head.

When you examine something, it is always within the meaning of a particular provision. However, in the context that it was struck down in *R. v. Hall* of the Supreme Court, an absolutely vicious and horrendous crime that was committed in a small Ontario community, the horror experienced by the public and then the use of the phrase by the Supreme Court of Canada here “in any other provision” no matter what the provision is, no matter what the purpose of the provision, this is clearly unconstitutional and must be expunged. The problem is: Who will be the expunger?

My time has probably run out. These are thoughts that we bring to you. I again want to congratulate the Senate committee, senators on both sides of the chamber, who dealt with this bill.

• (1500)

I was watching it from the other place when the committee was struck, but there is an expertise here that does not exist in the House of Commons. Believe me, I was there for 29 years and I know that the House of Commons looks only to the next election, whereas the Senate looks to the next generation.

The Hon. the Speaker pro tempore: Senator Baker, will you accept questions?

Senator Baker: Of course.

Hon. Jeremiah S. Grafstein: I commend Senator Baker for that extraordinary exposé. It reminds me of the cases he and I discussed earlier. I have several questions to ask him because I have not had an opportunity to review those cases, or look as carefully at this legislation. Senator Baker and Senator Fairbairn will recall that when the committee on the terrorist bill was first struck, the Liberal government of the day was opposed to a sunset clause, and it was the suggestion of Senator Joyal and me that the opposition take up and amend that terrorist bill to include a sunset clause. In effect, we were the authors or godfathers of that clause because at that time there was a rush to judgment. Therefore, we always believed that a rush to judgement would be inappropriate.

This is an extraordinary measure. The courts say it is extraordinary, Senator Baker has said it and government has said it. In fact, Minister Day thinks it is extraordinary because he has come back and amended it after reading the decision by the Supreme Court of Canada. Therefore, this is an extraordinary measure with extraordinary consequences, and hence the sunset clause.

My first question for Senator Baker is: In light of this extraordinary amendment to an extraordinary measure, have you considered whether we should consider a sunset clause for a short period of time to see whether the courts deem it workable or constitutional?

My second question is short, but first allow me to say that within the context of an *ex parte* or star chamber decision, something strikes me as obviously flawed. At the end of the day, the amendment essentially allows for a unilateral hearing to be held without the other side even arguing whether an extraordinary *ex parte* hearing should take place within a judicial investigation. Has Senator Baker given some thought to whether that measure should be more limited than it is under these provisions?

Senator Baker: First, I agree with Senator Grafstein. What happens in an *ex parte* hearing? If one looks at each province’s rules of court, they have forms and they have rules regarding *ex parte* hearings. They occur only, for example, in family law, which Senator Andreychuk is an expert on. In family law, if a judge makes an order stating that children shall remain in a particular city, and the spouse or parent who does not have custody at the time learns that the children are being taken to the airport, an application is made to a judge *ex parte*. The other parent can go to the judge and obtain an order to stop those children from being removed. Those circumstances would be extraordinary circumstances.

Everything is on time periods when you look at civil law, so when we get to a position where something is passed and someone could go in *ex parte* and say, “They did not file their documents on time so I am applying *ex parte* to have this removed from the court record,” everything is extraordinary. However, this provision enables a police officer to have an *ex parte* hearing, and have the detention and arrest take place, all *ex parte*.

The honourable senator will notice the section that deals with rights to counsel. Normally, when someone is detained, they

immediately have a right to counsel as per section 10(b) of the Charter. It is only when you have allowed in the law a detention to carry out a purpose — such as to administer a roadside test, which is then measured against section 1 of the Charter and as a reasonable limit on your rights — you must be given rights to counsel.

What does this law say? This law says that a person has a right to counsel during any part of the proceedings. In other words, the arrest takes place and then the proceedings start. This is not the initiation of proceedings; this is the proceedings under this law granting rights to counsel.

On Senator Grafstein's question of the open-endedness of it, obviously if they looked at *The Vancouver Sun* and they simply applied — as I read out — what the Supreme Court of Canada has said, that amendment would be the appropriate one in that particular case. As far as the sunset provision is concerned, one would have to make up one's mind on whether the legislation is even needed at this point.

Hon. Lorna Milne: Senator Baker, in his opening remarks, said that the government has declared that if this place makes any amendments to this bill, it will be considered a matter of confidence. We know that this chamber is not a chamber of confidence. How can the government possibly do that? This approach is against all parliamentary procedures that I have ever heard of.

Senator Baker: Honourable senators, perhaps we can convince Senator Joyal to prepare an address on this subject. I know I would like to hear one. It would be worthwhile since he is recognized as a constitutional expert, and one would hope that he would undertake to give us his thoughts on this subject in a future speech.

Hon. Serge Joyal: Two days hence.

Hon. David Tkachuk: Honourable senators, I listened to Senator Baker's speech with great interest. I want to know whether, after the honourable senator's last comment to Senator Milne, he supports this bill in principle.

Senator Baker: I listened to Senator Tkachuk carefully the other day when he gave his speech on this particular bill. He gave an excellent speech. I know part of it was prepared by the Department of Justice because he put forward their position on why we needed this extraordinary measure and why it could not be done through the existing law. He went into detail on section 495 of the Criminal Code, which is the section on arrest. I forget what the honourable senator said, but the law is that someone can be arrested during the commission of any offence, or if the police have reasonable grounds to believe that the person is about to commit an indictable offence.

Senator Tkachuk then went on to section 495.5, and it says that even in hybrid offences someone cannot be arrested except in exigent circumstances, or to establish the identity of the person. The point is, we cannot apply the law existing to this particular bill because there is nothing in the law that gives the authority to arrest someone if there are not reasonable grounds to believe that they have committed a crime or they are about to commit a crime. That is why it is indictable, not hybrid, which means we can go either one way or the other, summary or indictable.

• (1510)

The point is that these extraordinary measures are needed because absolutely nothing in the existing law could be used to accomplish the same thing, except this: As far as I am concerned, the identity of people being questioned and the concern of the government that someone's name would get out is easily handled under the existing law and reverse onus. Reverse onus is already in the bail provisions in section 515 of the Criminal Code. Every day in our courts, people must show cause why they must be released, if they have a prior record. Every single day the government preaches this: We will make this bill a reverse-onus bill. Excuse me, but on bail it is all reverse onus unless it is a simple matter and they have released the person anyway.

Senator Oliver: He agrees in principle.

Senator Tkachuk: That was a long answer to an easy and short question. I asked Senator Baker whether, considering what his own leader in the House has said, which I also mentioned in my speech, I am to assume that the honourable senator supports this bill in principle, or does he not, after what he said to Senator Milne?

Senator Baker: Honourable senators, I respect the principles of parliamentary procedure. In other words, a bill is introduced into the House, then the bill is dealt with at second reading and then it is sent to a committee, at which time it can be amended. We hear from witnesses and we hear from the government whether or not they wish to apply the decision of the Supreme Court of Canada. At the end of the day, under our parliamentary system, a final decision is made at third reading.

Does that answer the honourable senator's question?

On motion of Senator Tardif, debate adjourned.

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Brown, for the second reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

Hon. Ross Fitzpatrick: This speech will be short, Senator Baker, though perhaps not as erudite.

Honourable senators, this afternoon I have the privilege of responding to second reading of Bill S-2, an Act to amend the Canada-United States Tax Convention Act, 1984. However, I will first take a moment to congratulate my colleague Senator Angus, who is to be the new chair of the Standing Senate Committee on Banking, Trade and Commerce. He was a respected deputy chair of the committee under the chairmanship of my colleague and friend, Senator Grafstein, who excelled as chair of the committee during his three-year term. I congratulate not only Senator Angus, but also Senator Grafstein, for the outstanding

contribution to the work and direction of the Banking Committee. I think it is appropriate to voice these sentiments at this time because Senator Grafstein has been so instrumental in pursuing improved Canada-United States relations through the Canada-United States Inter-Parliamentary Group.

Honourable senators, I will now address the bill. Essentially, the bill enacts into our domestic law the recently concluded protocol that amends the Convention between Canada and the United States of America with respect to Taxes on Income and on Capital. Senator Angus summarized the key issues in his address Wednesday last.

This bill, however, is more than mere “housekeeping.” It is an extremely important piece of legislation because the United States is our closest neighbour and our largest trading partner. It is therefore imperative that we keep our bilateral tax agreements up to date.

This convention has been a work-in-progress. Since 1980, the convention has been amended four times — in 1983, 1984, 1995 and 1997 — and I am pleased to see that the Conservative government is continuing the Liberal tradition of ensuring that our tax arrangements with our most important trading partner are kept current.

Bill S-2 is an appropriate measure because it meets the requirement of improving our trade relations with the United States. A modern, fair, freely negotiated tax convention with the United States is of vital importance to the smooth functioning of the Canadian economy. However, honourable senators, I take this opportunity to say that along with tax conventions such as this one, it is crucial that we improve our productivity in Canada to meet our continuing competitive challenges.

I would be remiss if I did not point out that the government’s announcement yesterday to further reduce the Goods and Services Tax will have a negligible effect on the economic health of the country, and will do nothing to increase productivity. We need balanced and broad-based tax relief if we are to raise our level of productivity and improve our competitiveness. In this regard, I am pleased that the government’s economic statement yesterday implemented personal income tax cuts, corporate tax cuts and small business tax cuts; however, I would have liked to have seen a reduction in the capital gains tax as well.

In addition to tax relief, many other, concrete measures can be enlisted to enhance our nation’s productivity. As suggested by the Senate Banking Committee, Industry Canada could develop a “productivity prism” to assess both current and proposed federal policies and programs to determine their impact on productivity in Canada.

As well as reducing the corporate tax rate, the federal capital tax should be eliminated, and capital-cost allowance rates should be aligned with the useful life of assets.

Productivity can also benefit by eliminating unnecessary restrictions on foreign investments, and by taking steps to increase direct foreign investment.

Ensuring ease of access to reasonable-cost financing for all Canadian businesses, especially small- and medium-sized businesses, would also be a boon to productivity.

We should continue to pursue international trade agreements that improve the ability of Canadian businesses to compete in the global marketplace.

Internal barriers to trade are an impediment to productivity, so we should work towards making the domestic marketplace more competitive. Such protectionism discourages competitiveness, distorts market forces and reduces efficiency. In this respect, the government would do well to support the lead that the government of my province of British Columbia has taken.

Our productivity would also benefit from the development of international dispute settlement mechanisms that facilitate long-term solutions to trade irritants.

The committee also recommended that the federal government create a forum on productivity. The forum would measure and report on productivity performance, as well as assess the combined productivity effects of federal initiatives aimed at influencing productivity performance. The forum would report directly to Parliament and would be comprised of representatives from business, organized labour, academics, public policy organizations and government.

• (1520)

Honourable senators, as important as it is to have a modern and up-to-date comprehensive tax convention with the United States, it is equally important to address other essential elements of the Canadian economy. It is imperative that we begin to adopt measures that will raise our productivity and performance, and thereby ensure our ability to compete in global markets.

In closing, we support Bill S-2, but we urge the government to do more to improve our productivity and competitiveness and to address our ever increasing non-resource trade deficit.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Canada and the United States signed a protocol that amends the convention between Canada and the United States of America with respect to taxes on income and on capital. My understanding is that the U.S. Congress and our two Houses of Parliament must pass legislation by the end of the year in order to be able to benefit from the provisions of the agreement. If this agreement is not passed in both Houses by the end of this year, we will delay the benefits that will be derived from the provisions of this bill.

Some honourable senators on this side are quite concerned that our committees are not yet underway, and God knows when that will happen. We are not sitting next week, which brings us to mid-November before the committees will begin to be constituted and that must happen before they are able to start meeting.

My concern is that we must start hearing witnesses in order to be able to advance this bill. At the end of the day, after we have reviewed the provisions of this bill with witnesses, we will need to send the bill to the House of Commons. Those of us who have been around this place for some years will understand that things can often go awry in December and this bill may not get the attention that it needs in order to be passed into law. To

paraphrase a famous Canadian, we would like to get this thing done. With that in mind, we would like to pass this bill right away; it does have a looming deadline.

I encourage all senators to refer this bill to the Committee of the Whole. To facilitate the work of the clerks, the chair and the two sides to engage witnesses, we would not suggest doing that this afternoon. However, at an appropriate time tomorrow, in consultation with the other side, we would hope to proceed to Committee of the Whole to deal expeditiously with this bill. We might be able to proceed to Committee of the Whole tomorrow; if not, at least the process would be under way.

I would appeal to the other side to refer this bill to Committee of the Whole at an appropriate time tomorrow.

Senator Fitzpatrick: I thank the senator for his suggestion. I believe all honourable senators would like to see the committees established as soon as possible.

With respect to the suggestion of presenting Bill S-2 to Committee of the Whole, I will leave that up to our leadership to determine.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is certainly in the best interests of everyone to have the committees organize as quickly as possible. However, we would expect that the committees will be up and running very soon, and this suggestion for Bill S-2 is somewhat premature. We are familiar with getting things within the last week from the House of Commons with which they are asking the Senate to deal. If we can get this bill to them by the end of November they should have ample time to deal with it. Committee of the Whole is not the customary way, from what I understand, to move a bill of this nature forward. We think it is too early at this time to proceed to Committee of the Whole. We would prefer to refer the bill to the Banking Committee.

Hon. Anne C. Cools: Honourable senators, I have a question for Senator Fitzpatrick. I listened carefully to him and am very aware of his background and experience in the world of commerce and trade. Senator Fitzpatrick made a statement in the context of his speech that was somewhat en passant, but he said he would like to see some changes and reforms, or something to that effect, in regard to the capital gains tax. Would he expand on that for me?

Senator Fitzpatrick: Honourable senators, in order to maintain our competitive position and encourage investment and productivity in Canada, it is necessary for us to be competitive with the United States. We should be looking at our capital gains tax to bring it in line with the capital gains tax in the United States.

Several years ago the Senate Banking Committee made a recommendation for a reduction of the capital gains tax, which was accepted by the government of the day. It was also suggested at that time that the tax should be even further reduced. That discussion related to the question of productivity and our competitiveness.

Senator Tardif: I move the adjournment of the debate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: All those in favour will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "yeas" have it.

And two honourable senators having risen:

Hon. Terry Stratton: Honourable senators, if we want to finish this matter, we should have a 30-minute bell.

The Hon. the Speaker pro tempore: Is there agreement on the 30-minute bell?

Senator Tardif: That is agreed.

The Hon. the Speaker pro tempore: Call in the senators.

• (1550)

The Senate resumed.

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Bacon	Joyal
Baker	Kenny
Banks	Mahovlich
Callbeck	Merchant
Chaput	Milne
Cook	Mitchell
Cools	Moore
Corbin	Pépin
Cordy	Phalen
Dallaire	Poulin
Dawson	Robichaud
De Bané	Rompkey
Eggleton	Sibbeston
Fitzpatrick	Stollery
Fox	Tardif
Goldstein	Trenholme Counsell
Grafstein	Watt
Hervieux-Payette	Zimmer—37
Hubley	

NAYS
THE HONOURABLE SENATORS

Andreychuk
Angus
Brown
Carney
Champagne
Comeau
Eyton
Gustafson
Keon

LeBreton
Meighen
Nancy Ruth
Nolin
Oliver
Segal
Stratton
Tkachuk—17

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

[*Translation*]

The Hon. the Speaker *pro tempore*: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate, I declare the Senate continued until Thursday, November 1, 2007, at 1:30 p.m., the Senate so decreed.

The Senate adjourned until Thursday, November 1, 2007 at 1:30 p.m.

CONTENTS

Wednesday, October 31, 2007

	PAGE		PAGE
SENATORS' STATEMENTS			
The Honourable Bill Rompkey, P.C.			
Congratulations on Thirty-Fifth Anniversary of Election to Parliament.		Citizenship and Immigration	
Hon. Gerard A. Phalen	126	Canada-Quebec Accord Relating to Immigration and Temporary Admission of Aliens.	
Hon. Joan Cook	126	Hon. Jean-Claude Rivest	129
		Hon. Marjory LeBreton	130
United Nations			
Seventh Anniversary of Security Council Resolution 1325 on Women, Peace and Security.		Human Resources and Social Development	
Hon. Nancy Ruth	126	Child Tax Benefit.	
		Hon. Catherine S. Callbeck	130
		Hon. Marjory LeBreton	130
The Late Major Derek Hess-von Kruedener			
The Late Corporal Randy Payne			
Hon. Hugh Segal	127	Indian Affairs and Northern Development	
		Arctic Sovereignty.	
		Hon. Willie Adams	131
		Hon. Marjory LeBreton	131
The Late Robert Goulet			
Hon. Tommy Banks	127	National Defence	
		Arctic Sovereignty—Involvement of Rangers.	
		Hon. Roméo Antonius Dallaire	131
		Hon. Marjory LeBreton	131
Remembrance Day			
Hon. Michael A. Meighen	128	Indian Affairs and Northern Development	
		Arctic Sovereignty—Economic and Resource Devolution.	
		Hon. Hugh Segal	131
		Hon. Marjory LeBreton	132
<hr/>			
ROUTINE PROCEEDINGS			
Security Intelligence Review Committee			
2006-07 Annual Report Tabled.		Library and Archives Canada	
Hon. Gerald J. Comeau	128	Hours of Operation.	
		Hon. Lorna Milne	132
		Hon. Marjory LeBreton	132
The Estimates, 2007-08			
Notice of Motion to Authorize National Finance Committee to Study Main Estimates and to Refer Documents and Evidence of Previous Session.		The Environment	
Hon. Gerald J. Comeau	128	Climate Change—Greenhouse Gas Emissions.	
		Hon. Francis William Mahovlich	132
		Hon. Marjory LeBreton	133
<hr/>			
International Boundary Waters Treaty Act (Bill S-217)			
Bill to Amend—First Reading.		ORDERS OF THE DAY	
Hon. Pat Carney	128	Criminal Code (Bill S-3)	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. George Baker	133
		Hon. Jeremiah S. Grafstein	137
		Hon. Lorna Milne	138
		Hon. Serge Joyal	138
		Hon. David Tkachuk	138
<hr/>			
Protection of Victims of Human Trafficking Bill (Bill S-218)			
First Reading.		Canada-United States Tax Convention Act, 1984 (Bill S-2)	
Hon. Gerard A. Phalen	129	Bill to Amend—Second Reading—Debate Continued.	
		Hon. Ross Fitzpatrick	138
		Hon. Gerald J. Comeau	139
		Hon. Claudette Tardif	140
		Hon. Anne C. Cools	140
		Hon. Terry Stratton	140
<hr/>			
Business of the Senate			
Notice of Motion to Authorize Committees to Meet During Adjournment of the Senate.			
Hon. Claudette Tardif	129		
<hr/>			
QUESTION PERIOD			
Public Works and Government Services			
The Auditor General's Report—Industrial Security of Classified Information in Awarding Contracts.			
Hon. Céline Hervieux-Payette	129		
Hon. Marjory LeBreton	129		



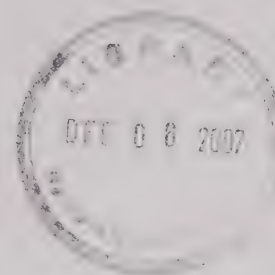
If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA1
Y1
-D32



CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 9

OFFICIAL REPORT
(HANSARD)

Thursday, November 1, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, November 1, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

REMEMBRANCE DAY

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, on November 11 Canadians will gather at cenotaphs in every province and territory, including the National War Memorial in Ottawa, to honour our fellow citizens who died in service to our country in times of war and conflict. Remembrance Day gives each of us the opportunity to pay solemn respect to the over 100,000 soldiers throughout our history who have given their lives fighting terror, brutality and oppression around the world.

We will remember the 71 soldiers who have died in Afghanistan since 2002, and the ultimate sacrifice they have made in helping the Afghan people to rebuild their war-torn country. The recent losses of these brave Canadian Forces members have made all Canadians, young and old, more keenly aware of those unfinished lives and the deeply felt pain and pride of their family members and comrades who are left behind.

Honourable senators, 2007 marked the ninetieth anniversary of the Battle of Vimy Ridge. The Battle of Vimy Ridge was considered a turning point in the First World War and it helped to shape Canada as a nation. However, Canada paid a heavy price at that battle. On Easter Monday 2007, we remembered the battle that began at dawn on Easter Monday, April 9, 1917, and ended with the loss of 3,598 Canadian soldiers.

Although the events of World War I took place nine decades ago, Canadians have not forgotten and will never forget the sacrifices of the past. Our veterans are vigilant in reminding Canadians of the great debt that we owe to our country's fallen soldiers. We proudly join Canada's servicemen and women, past and present, in remembering those who willingly went overseas on our behalf but sadly did not come home.

• (1335)

Honourable senators, the theme of this year's Veterans' Week is simple and powerful. It is a phrase we all know — "Lest we forget."

This phrase is, of course, the reason why we mark Veterans' Week and Remembrance Day — to ensure that those who have lost their lives in defence of our freedom and democracy will never, ever be forgotten.

On Remembrance Day, we think of these thousands of young Canadians and how their lives might have been had they not been cut so short. It is with a heavy heart that we pay tribute to them and thank them.

MANITOBA

WINNIPEG—THIRD ANNUAL NYGÅRD FOR LIFE PINK AND WHITE CHARITY BALL

Hon. Rod A. A. Zimmer: Honourable senators, on Friday, September 21, I attended, with my guest Carisa, the third annual Nygård for Life Pink and White Charity Ball, Winnipeg's largest and most prestigious charity event, held at the Winnipeg Convention Centre.

Nygård International hosted a sell-out crowd of 1,200 guests who attended the gala fashion show and dinner — including VIPs, Nygård associates, suppliers and customers — all dressed in pink and white in support of breast cancer awareness and research.

The evening began with Jim Bennett, President and CEO of Nygård, presenting a cheque to the Canadian Breast Cancer Foundation in the amount of \$600,000. The high-energy fashion show featured proud cancer survivors as guest models.

Nygård International was founded by Peter Nygård in 1967. Over the past 40 years, it has grown to be the number one sportswear manufacturer in Canada.

Nygård International has its world headquarters in New York City's Times Square. It also has complete design, production and distribution facilities in Winnipeg and Los Angeles, sales and marketing offices throughout Canada and the United States and extensive operations throughout the Orient and Mexico.

Although Peter Nygård's great success in the business world is impressive, his commitment to charitable causes, notably breast cancer, is nothing short of awe-inspiring. As a touching finale to the fashion show, Peter Nygård paid a heartfelt tribute to his lifelong personal hero and breast cancer survivor — his mother, Hilikka Nygård.

As part of the company's ongoing global campaign to increase awareness and support of breast cancer, an exclusive, one-of-a-kind "goddess gown" specially designed by Peter Nygård was raffled off, with all the proceeds donated to the Canadian Breast Cancer Foundation.

Honourable senators, the magnitude of Peter Nygård's contribution sets the bar extremely high for corporate giving and clearly brings us closer to a cure for this tragic and terrifying disease. As a cancer survivor myself, I am truly grateful for his generosity and commitment to such a worthy cause — breast cancer awareness and research.

CENTRES OF EXCELLENCE

Hon. Wilbert J. Keon: On October 15, Industry Minister Jim Prentice fulfilled a promise that was made in Budget 2007 by announcing \$105 million for seven Centres of Excellence that are focused on priority areas in research and commercialization for Canada.

These priority areas are key to developing our entrepreneurial advantage — an important component of Canada's new Science and Technology Strategy. This strategy will encourage innovation in the private sector and create partnerships among organizations that are critical to our growth and development.

While our public spending on research is comparable to the G7 countries, our private sector invests far less than it should. Hopefully, these initiatives will help to correct that situation.

Canada is also a middle-of-the-pack performer when it comes to business expenditures in research and development relative to gross domestic product, ranking 14 in the Organisation for Economic Co-operation and Development and six in the G7 in 2004.

• (1340)

The seven Centres of Excellence include the Li Ka Shing Knowledge Institute at St. Michael's Hospital; affiliated with the University of Toronto, which institute works to strengthen knowledge translation in health care; the Brain Research Centre at the University of British Columbia; the Canada School of Energy and the Environment at the University of Alberta, the University of Calgary and the University of Lethbridge; the Heart and Stroke Foundation Centre for Stroke Recovery, affiliated with the University of Toronto and the University of Ottawa; the Montreal Neurological Institute at McGill University; the National Optics Institute in Quebec City, the mission of which is to give business a competitive edge by developing innovative solutions and technology platforms using optics and photonics; and the Life Sciences Research Institute in Halifax, affiliated with Dalhousie University.

Honourable senators, these initiatives will encourage the research from which will grow tomorrow's innovative life-saving discoveries. I note that one of the centres listed is focussed on knowledge translation in health care. I hope that some day we will have a national knowledge translation network across Canada for health research discoveries, and thus improve our health system while reaping the economic benefits to our country.

[Translation]

WOMEN'S HISTORY MONTH

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, the month of October gave us the opportunity to acknowledge, commend and celebrate the many generations of women who helped build Canada and make it one of the most free, fair and prosperous countries in the history of humankind.

This year, Women's History Month recognized the participation of immigrant women in building our nation, reminding us of the important role women have played and continue to play in Canada's political, economic and cultural life. It was also an occasion to reflect on the number of challenges these women have faced and to highlight the courage and determination they have shown in taking their rightful place.

In addition to the significant contribution these women have made to our country, this year's theme, "Celebrating Immigrant Women", reminds us that Canada is a wonderful welcoming land where immigrant women can make great achievements. I think,

for example, of the Right Honourable Adrienne Clarkson and the Right Honourable Michaëlle Jean, two immigrant women who became Governors General of Canada.

Designated in 1992 to commemorate the Persons Case and the official recognition of women as persons under the law, Women's History Month gives us the opportunity to celebrate the progress made in women's rights and to examine the challenges that remain. It is also a chance to celebrate the collective power of women of the past and present.

To adapt a quote from writer Milan Kundera, "The struggle of a woman against power is the struggle of memory against forgetting". Let us remember all the struggles that have paved the way for women's equality, and let us remember this year the invaluable contribution of immigrants who have chosen Canada as their new home.

[English]

GROSSE ÎLE ISLAND IMMIGRATION CENTRE

Hon. Pat Carney: Honourable senators, the Canada-Ireland Parliamentary Association recently visited Grosse Île, Quebec. Grosse Île is the historic Canadian immigration station located on an island in the St. Lawrence River. The parliamentary association was accompanied by His Excellency Declan Kelly, Ambassador of Ireland to Canada.

The low-lying island was the first and final contact with Canada for thousands of Irish immigrants who died from the ravages of the 19th century famine years — disease, poverty and the conditions of the coffin ships that transported them to Canada. Of the 7,553 who are buried at Grosse Île in graves stacked five deep, 5,424 died in the peak famine year of 1847. Some of my Irish kinsmen were among them.

It was a fiercely wet and windy day when the parliamentary group disembarked on the wharf under the huge Celtic cross imported from Ireland and mounted on Quebec granite on the bluff that guards the small harbour. Some 4 million immigrants passed through Grosse Île during the period 1832 to 1937, when the immigrant station was closed.

Inherited memories haunt what is now the Grosse Île and the Irish Memorial National Historic Site of Canada. Yet, when I asked Parks Canada guide Phillipe Gautier, who has Irish ancestors, what his reaction to the island was, he said, "Hope." The Irish and the other immigrants came with hope in their hearts for a better life, or one in Heaven, and those who survived contributed greatly to the building of Canada.

I had a three-fold reaction to this visit. First, this is one of the most under-reported and murderous episodes in Canadian history. Second, the site is a tribute to the pioneers of public health in Canada who have helped to eradicate so many of these dreadful diseases. Third, the memorial is a tribute to the general concern and outpouring of help from Canadians of that time, both French and English.

We read about eyewitness reports of slick, excrement-slippery floors; the lack of straw for beds; the lack of spring water, which forced patients to lap water out of ditches like dogs; children dying in dirty rags; starvation; and the constant lack of nursing care.

Last evening, on Halloween, my Casey cousins and I explored the graveyard of St. Patrick's Church in Fallowfield, and found the grave of Darby Kelly, the first of our family to come to Canada during those famine years. Beside him is the grave of his son Michael, who survived the journey. Two daughters died in the coffin ships.

• (1345)

We should remember the dead of Grosse Île, but we should honour those who went on to make a new life. "Hope is the main emotion I feel," said young guide Phillipe. "Hope kept them going forward."

[Translation]

**THE HONOURABLE BILL ROMPKEY, P.C.
THE HONOURABLE PETER A. STOLLERY
THE HONOURABLE FRANCIS FOX, P.C., Q.C.**

CONGRATULATIONS ON THIRTY-FIFTH
ANNIVERSARIES OF ELECTION TO PARLIAMENT

Hon. Dennis Dawson: Honourable senators, after yesterday's tributes to our colleague and friend, Senator Rompkey, I took the liberty of finding out which other senators here had the honour of being elected for the first time in 1972.

[English]

Having sat in the other place with Senator Rompkey, I want to join my colleagues in congratulating him on his work and support for Labrador and all of Canada. The travelling alone puts him in a class all his own. Félicitations, cher collègue!

My first surprise in doing this research was noticing that my friend and colleague, Senator Stollery, had also been here for the same period of time, having also faced the voters of Trinity-Spadina in 1972 in his first of four successful bids. He continued on for 35 years in the Parliament of Canada.

Between cycling across Russia to touring in South America, he found time to commit himself to helping people around the world, particularly in Africa. We often refer to the Segal report, but I think even Senator Segal would admit that the report on Africa was supported by the work that Senator Stollery completed. I want to thank Senator Stollery and ask this house to adopt the report as soon as possible.

I had the honour of sitting with Senator Stollery in the other place and serving with him here on the Foreign Affairs Committee.

[Translation]

Thirty-five years of public life is extraordinary. I would like to congratulate him, too.

As I was researching this, I was surprised to realize that our colleague and friend, Senator Francis Fox, despite his 10-year absence from Parliament, also celebrated his 35th anniversary of political life this year.

Hon. Senators: Hear, hear!

Senator Dawson: He too was elected in 1972 and was a member of the other place until 1984, when we both went back to work in the private sector.

I can assure you that during his temporary absence from Canada's Parliament, Senator Fox continued to work for Quebecers and Canadians by remaining active in the Liberal Party, of course, and by sitting on numerous boards. He volunteered with Montréal International and with the Montreal harbourfront project, where he demonstrated his commitment to serving his fellow Canadians.

Let us not forget that after working in the private sector, he came back here to help Prime Minister Paul Martin.

I know that he is a humble man, but on behalf of this chamber and of all Canadians, I would like to thank him sincerely for his dedication to the people of Canada and Quebec.

[English]

REMEMBRANCE DAY

Hon. David Tkachuk: Honourable senators, I would like to add to the statement on Remembrance Day made by my leader.

There was a time, not so long ago, when Remembrance Day meant mostly casting our minds back to the monumental conflicts of the First and Second World Wars. With each day that passed, the memory of these conflicts naturally receded, until war for many Canadians, I am sure, seemed like ancient history. Bravery and sacrifice on the scale that was required of our soldiers during those wars seemed impossible to imagine, and something that a new generation — today's "coddled" generation — could never rise to.

That type of thinking was wrong on all accounts. International terrorism has raised its ugly head, and war has once again become very real for Canadians. Like those earlier conflicts, this war against terrorism is not a battle we sought, nor one we desired, but neither is it one we turned away from.

Canadian soldiers, like those in last century's wars, have answered the call in Afghanistan. Like their forefathers, they have acquitted themselves with honour, bravery and perseverance in the face of terrible hardship.

Too many of them, as we know all too well, have also made the ultimate sacrifice. That is more than enough to earn them our respect, and it surely has. We grieve their loss, and we sympathize with their families.

This year on Remembrance Day, we will remember and honour them just as we have those who have died in past wars. I also hope that each and every day as this war progresses we will think of them and of their fellow soldiers who are sacrificing so much on our behalf. God bless the men and women of the Canadian Armed Forces.

[Translation]

ROUTINE PROCEEDINGS

DEFENCE CONSTRUCTION (1951) LIMITED

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of Defence Construction (1951) Limited.

CITIZENSHIP AND IMMIGRATION

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Annual Report to Parliament on Immigration for the year 2007.

• (1350)

[English]

DEPARTMENTAL PERFORMANCES

2006-07 ANNUAL REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): For those with time on their hands this weekend and who want to peruse a few documents, I have the honour to table, in both official languages, the departmental performance reports for the period ending March 31, 2007.

THE SENATE

NOTICE OF MOTION TO AUTHORIZE INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE TO STUDY POLICIES IN ORDER TO REDUCE GREENHOUSE GAS EMISSIONS

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on changes to Senate policies necessary to incorporate into the 64-point travel system for individual senators and into committee travel budgets the costs of purchasing carbon offsets that meet the goal of reducing greenhouse gas emissions and also meet internationally recognized standards and certification processes;

That the committee also evaluate, as a further means to reduce greenhouse gas emissions, the possibility of expanding the use of teleconferencing and other technological systems to reduce the need for witness travel to Ottawa; and

That the committee present its final report to the Senate no later than December 12, 2007.

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—JUDICIAL INQUIRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): My question is to the Leader of the Government in the Senate. Last night, and previously in *The Globe and Mail*, disturbing information has come to light about a former Prime Minister of this country. There is now undeniable proof that Mr. Mulroney received a cash payment of \$300,000. Even the leader, a well-known Mulroney friend, cannot deny it any longer.

Given the fact that Mr. Mulroney benefited from a \$2 million settlement from the Government of Canada, based on what now seems to be erroneous information, will this government call a judicial inquiry to clear up the matter once and for all? We have a judge with time available by the name of Justice Gomery, who would be ready to preside over such a group.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The matter of Mr. Mulroney's settlement with the previous Liberal government is a matter of record. It was in connection with the Airbus matter. The allegations that she presently makes have nothing to do with Airbus. The honourable senator knows this.

• (1355)

The issue before us at the moment is an agreement that Mr. Mulroney entered into as a private citizen in the private sector. It has nothing to do with the government. Mr. Mulroney issued a statement last night which I would urge all honourable senators to read.

Mr. Schreiber and Mr. Mulroney are presently before the courts on this matter and there is no further response that can possibly be made.

Senator Hervieux-Payette: Honourable senators, as we know, the minister across the floor is a former senior advisor in the Mulroney PMO and is now a member of the Harper cabinet and is reportedly, according to rumour, in regular contact with Mr. Mulroney. Has Mr. Mulroney ever discussed with the Leader of the Government in the Senate these financial arrangements with the Government of Canada in regard to cash payments from Mr. Schreiber?

Senator LeBreton: The answer is no.

SECRETARY OF STATE FOR SENIORS

INCREASE TO GUARANTEED INCOME SUPPLEMENT

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate and the Secretary of State for Seniors.

As I walked to Parliament Hill this morning, I realized that the cold of winter will soon be biting at our heels. Too many Canadians will feel the bitter cold in the months ahead: Homeless youth, single mothers, those who are addicted and, sadly, almost 1 million senior citizens.

For almost 1 million senior citizens there was no comfort in the economic statement announced by Canada's government on October 30, 2007. There was no real or fair relief in the tax cuts announced, although I know the honourable leader will remind us that the basic personal exemption will be \$9,600 retroactive to January 1, 2007; and \$10,100 on January 1, 2009.

Honourable senators will remember that the Old Age Security payment and the Guaranteed Income Supplement total only \$1,136.33 at present. Just like the GST cut, this means pennies for our poor seniors — almost 1 million elderly men and women who deserve better than to be left out in the cold by a cold-hearted government.

The honourable leader will tell us that the Guaranteed Income Supplement is indexed to inflation currently and that it increased by \$18 per month in January 2007. While elderly benefits are projected to grow by \$1.7 billion, at 5.8 per cent, and by an average of 4.8 per cent in the next five years, what this really means is that the elderly population is growing rapidly and consumer prices are growing astronomically.

Therefore, honourable senators, we do not need to hear these data again from the honourable leader. What we do need to hear is why this government, with a budget surplus of \$1.6 billion this year, did not substantially increase the Guaranteed Income Supplement for our neediest seniors, who are realizing how cold it is and how difficult life will be in the coming months.

Why did the Secretary of State for Seniors not insist that those for whom she should speak ought to receive comfort and hope from a surplus of \$1.6 billion?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the economic update statement that was announced earlier this week by Minister Flaherty, is a commitment to a statement made in the Speech from the Throne that we would engage in broad-based tax cuts.

I have spoken to several seniors about this economic statement. They are very much affected by the cut to the GST. In addition, the government will continue the practice of the GST rebate cheques, which seniors very much appreciate.

As was stated by the Minister of Finance, these are broad-based tax cuts. We have had budgets in 2006 and 2007. At the moment the Minister of Finance is engaged in budget consultations with other ministers and various interest groups in preparation for Budget 2008. That is where sectoral issues are addressed.

I am inclined to repeat what Senator Trenholme Counsell outlined, in terms of highlighting certain initiatives the government has implemented for seniors. These initiatives, by the way, are very popular with seniors.

We introduced pension income splitting a year ago yesterday, and increased the age credit by \$1,000. We increased the age limit from 69 to 71 for converting an RRSP. We created the National Seniors Council, which has already met. The last meeting was held in Nova Scotia.

• (1400)

We increased the funding to the New Horizons for Seniors Program projects by \$10 million. We introduced Bill C-36, which was passed in May, making it easier for seniors to apply for and receive the Guaranteed Income Supplement. Last year, we introduced a targeted initiative for older workers, which is about to report under the able chairmanship of the honourable senator's fellow New Brunswicker, former Senator Erminie Cohen. The Speech from the Throne addressed an area in which I have taken a particular interest, namely, the issue of elder abuse.

I will quote from *The Globe and Mail* of September 2006 regarding what the leader of the Liberal Party, Stéphane Dion, said, although he was not the leader at that point:

At a recent meeting with representatives from a seniors group, he wasted little time before rejecting their suggestion to have a cabinet minister for the elderly. "Please, do we have a better topic?" he asked impatiently.

HEALTH

FUNDING FOR CANADIAN HOSPICE PALLIATIVE CARE ASSOCIATION

Hon. Marilyn Trenholme Counsell: I did not receive an answer to my question. I asked why this government did not increase the GIS. Income trusts and tax savings do not at all affect the almost 1 million seniors on the Guaranteed Income Supplement, the poorest of the poor.

With respect to the GST cut, if seniors spend \$500 a month, which they cannot spend because they are paying either their taxes, or their rent or whatever it is, they would save \$5. Yes, that would buy a loaf of bread, but what else would it buy? Perhaps it would buy two loaves of bread. That is a help; there is no doubt about that.

I have not received an answer to my question. Those of us in this government who have a heart have to look at the poorest senior members of our population, and we have to find a way to do more.

My supplementary question goes back to June 14, 2007, for which I was promised a delayed answer. It is again for the Secretary of State for Seniors, who must be concerned about palliative care. There will be a wonderful international conference beginning on Sunday in Toronto. Why did the Secretary of State for Seniors and her government eliminate the core funding for the Canadian Hospice Palliative Care Association and allow federal funding to be slashed from \$150,000 to \$200,000 a year to a

paltry \$40,000 this year for two small projects? That is a cut of 75 per cent from the Canadian Hospice Palliative Care Association. Does the Leader of the Government in the Senate and Secretary of State for Seniors not realize the value and the importance of the Canadian Hospice Palliative Care Association?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. However, as the senator obviously does not pay much attention to what the government is doing in this area, I will inform her again on another matter. During the last session I pointed out to Senator Trenholme Counsell what our government is doing through the Department of Health and the Minister of Human Resources and Social Development. In response to her questions at that time, I replied that our government is committed to ensuring quality health care for Canadians, including end-of-life and palliative care.

Health Canada continues to fund palliative care projects and work with its partners in efforts to improve palliative care. The federal government is providing \$41.3 billion over 10 years to the provinces to help enhance access to quality health care, including home palliative care services. Human Resources and Social Development Canada administers the Employment Insurance Compassionate Care Benefits Program, which allows Canadians to take time away from their jobs to care for their gravely ill loved ones and seniors.

• (1405)

Senator Trenholme Counsell: Honourable senators, I should like to hear the Secretary of State for Seniors speak to the value of this important organization that has worldwide attention, and to say "yes" or "no." Yes, the government gave \$15,000 to this mammoth, week-long conference in Toronto but is that enough? What does the minister really feel about the Canadian Hospice Palliative Care Association and the leadership, coordination, vision and hard work they are giving to this country?

Senator LeBreton: I answered that question before, honourable senators, when I said that any organization that works to improve the lives of any Canadian and, in particular, senior Canadians is to be celebrated and applauded for their good works.

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I draw your attention to the presence in the gallery of His Royal Highness Sheikh Ahmed bin Saeed Al-Maktoum, Chairman and Chief Executive Officer of the Emirates Airline and Group. His Royal Highness is in Canada to inaugurate the first direct flight from Toronto to Dubai. He is accompanied by His Excellency Hassan Mohammed Obaid Al-Suwaidi, Ambassador of the United Arab Emirates to Canada. They are guests of the Honourable Senator Marcel Prud'homme, P.C.

On behalf of all senators, welcome.

Hon. Senators: Hear, hear!

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS— POSSIBLE REFERRAL TO COMMITTEE

Hon. Jerahmiel S. Grafstein: Honourable senators, I bring to the attention of the Leader of the Government in the Senate a disturbing Canadian Press story from Washington, D.C. that appeared in *Quorum* yesterday, headlined "Business leaders seek faster border crossings after long, costly delays." It appears that, despite the efforts by this government and its repeated promises to reduce delays at the border, the situation at the Windsor-Detroit crossing has grown worse of late. The same recent disastrous situation pertains to the Sarnia-Port Huron crossing. Stan Korosec, President of the Public Border Operators Association, described the recent situation of border delays at a meeting of the U.S. Chamber of Commerce in Washington as "a summer from hell." At this meeting, business leaders on both sides of the border called for faster action to eliminate "bureaucratic hassles that are costing them big money." He went on to say that, "We've experienced the worst delays since 9-11." I repeat, honourable senators, "the worst delays since 9-11." He went on to say this, "The volumes are down, the delays are up. . . . We ain't seen nothing yet."

It has been estimated, honourable senators, that these border choke points are costing Canadians \$1 million a minute. The Ontario Chamber of Commerce estimates that more than \$1 billion dollars of direct business costs are thrown away on both sides of the border each and every month. The critics include former Conservative minister, Perrin Beatty. Even Minister Prentice acknowledged in Washington, according to this press report, that there are problems with the process.

Some say — again, in Washington — that perception of the Canada-U.S. accord, the Security and Prosperity Partnership of North America heralded by this government, has struck a fatal blow to the whole concept. It appears that Canadian government inaction or inattention has made the situation worse, and may have compounded the problem. Honourable senators, I can attest personally to this problem, as can other senators on both sides of the aisle who witnessed the situation first-hand, particularly in Windsor this spring.

My question to the Leader of the Government in the Senate is this: What is the government doing to reduce these choke points that reduce our productivity, choking the economy of Ontario and Canada, which depend so much on vibrant economic activity?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Thank you, honourable senator, for that question. There is no question that the situation at the border is causing great difficulties. The honourable senator has outlined some of them in his question. I am well aware of the comments and the concerns of the Honourable Perrin Beatty.

• (1410)

Minister Prentice was in Washington on Monday night and Tuesday of this week to address these issues. I will therefore take the honourable senator's question and concerns as notice and provide him with a response as to how the minister plans to address this issue and what the results were of his deliberations in Washington.

Senator Grafstein: Honourable senators, if the situation were not bad enough, it is worse. Yesterday, in an editorial in *The Globe and Mail* entitled "The Gaps in the Border," the Auditor General of Canada pointed out that the Canada Border Services Agency that was to integrate the three services of customs, immigration and import inspection has not yet been fully integrated. In her annual report, the Auditor General pointed out even worse consequences, which I will not go into.

In light of these startling revelations and the disastrous impact on our economy and possibly our security, would the Leader of the Government in the Senate refer this matter to the Standing Senate Committee on National Security and Defence or the Standing Senate Committee on Banking, Trade and Commerce, which have recent and acknowledged expertise on the subject of the border?

Senator LeBreton: I thank the honourable senator for the question. The government is well aware of the report of the Auditor General. As I mentioned yesterday, we take her findings seriously. Minister Day has taken concrete and solid measures to address the problems along the border. Obviously, there is still considerable work to be done in light of the situation of the thickening of the border, compounded by what is happening in the United States in the run-up to the presidential election.

I wish to put on the record the action that the government has taken to increase security at the border. We have invested \$430 million in border infrastructure and security upgrades. As honourable senators know, we have armed border officers. We are hiring 400 officers to eliminate work-alone posts and we are adding 1,000 new RCMP personnel to address policing priorities, such as fighting drugs, smuggling and enhancing border security. We are investing \$19.5 million in RCMP Integrated Border Enforcement Teams strategically located along the border to disrupt cross-border smuggling. All of these issues are focused on keeping our border safe from crime and smuggling.

However, in regard to the movement of goods and services across the border and delays in the thickening of the borders in terms of our economic consequences, I will state again what I stated in my answer to the honourable senator's first question. This was an issue specifically dealt with by Minister Prentice when he was in Washington on Tuesday, and I would appreciate it if the honourable senator would allow me the opportunity to obtain a briefing note from Minister Prentice as to what measures were proposed to deal with this serious problem.

Senator Grafstein: Senator Kenny has led an excellent series of studies, reported with recommendations, in the Standing Senate Committee on National Security and Defence, many of which have not been implemented. Members of the Standing Senate Committee on Banking, Trade and Commerce have also looked at this question with respect to another aspect. To my mind, this is not a question of bipartisanship; this is a question of vital national importance.

I will certainly await the honourable leader's response. I hope she will respond quickly. I request that the government give consideration to the suggestion that it would be a simple thing to refer the matter to either the Defence Committee or the Banking Committee so they can address this issue immediately. That would help Canada and the ministry to understand exactly what is happening at the border.

Those of us on this side and some on the other side know exactly what is happening at the border, but the bureaucrats and the ministry do not. I say that not from second-hand experience but from first-hand experience. Senator Moore, Senator Mahovlich and certain senators on the other side have been involved in this effort with me. When we see something with our own eyes and we hear the government saying something else, we need to have the officials before the Senate to address this problem. This is an important issue. I await the honourable leader's response and I will return to this question.

• (1415)

FINANCE

SASKATCHEWAN—EQUALIZATION PAYMENTS

Hon. Robert W. Peterson: Honourable senators, my question is to the Leader of the Government in the Senate. Last week when I posed a question in regard to inequities in the equalization formula for Saskatchewan, the minister referred me to Budget 2007, which she stated contains \$878 million in the current fiscal year. I looked at the document and there is no such figure in the budget. In fact, the supposed \$878 million is a total fabrication. It includes some old money, some new money and some recycled money. It includes federal transfers and other types of federal programs totally unrelated to equalization. It includes the hypothetical subsidies to businesses that do not even exist. It even includes the hypothetical value of corporate tax cuts that have nothing to do with "spending," as the minister claims. As well, the alleged figure of \$878 million is not for one year, but rather is spread over five years. Of this amount, only \$226 million is directed to equalization. That is a far cry from the \$800 million that Saskatchewan is entitled to if non-renewable resource revenue is removed, as promised, from the calculation.

The Prime Minister published a document in 2005 in which he pledged there would be no caps on equalization. Why is Saskatchewan capped while other provinces are not? Why did the Prime Minister fail to tell Saskatchewan the truth?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will repeat what I said when I answered the honourable senator's previous question on this subject: Saskatchewan is receiving the largest per capita gain of any province under the fiscal balance package. Restoring fiscal balance brings federal support for Saskatchewan to \$1.4 billion in 2007-08, including, as the honourable senator said, \$226 million under new equalization, \$756 million under the Canada Health Transfer, \$75 million for infrastructure, and \$342 million for the Canada Social Transfer, including additional funds for post-secondary education and child care. Through Budget 2007, Saskatchewan is receiving \$24.8 million for the Wait Times Guarantee Trust, which it will use to help to reduce wait times for cardiac bypass surgery. The province will also receive \$44.4 million for projects to help to reduce greenhouse gas emissions, which should please Senator Mitchell. This funding will directly help the people of Saskatchewan.

I also remind the honourable senator that the previous Liberal government denied the existence of the fiscal imbalance for Saskatchewan altogether.

Senator Nolin: That is your government.

[English]

Senator Peterson: The honourable leader and I seem to agree to disagree. Is there a committee to which this matter could be referred for greater clarification?

Senator LeBreton: I am not in the business of referring matters to committees.

[Translation]

INDUSTRY

SUPPORT FOR MANUFACTURING AND FORESTRY SECTORS

Hon. Lise Bacon: Honourable senators, my question is for the Leader of the Government in the Senate. In the Speech from the Throne, presented on October 16, 2007, the government promised to support the manufacturing industry, and particularly the forestry industry.

The economic and fiscal update, presented Tuesday by the Minister of Finance, completely overlooked those industries, which are facing unprecedented crises. The Quebec Minister of Economic Development, Innovation and Export Trade, Raymond Bachand, said he is very disappointed by the Canadian government's failure to act. Why did the government abandon Quebec in this file? When will the government start putting its money where its mouth is, in terms of support for the manufacturing sector?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I wish to reiterate that the announcement of Minister Flaherty this week was not a budget, but rather an economic update. The economic update committed to deliver on a promise in the Speech from the Throne to provide broad-based tax cuts. There is no question that the manufacturing sector and the forestry industry are experiencing severe difficulties, which the Prime Minister has acknowledged.

• (1420)

As the Minister of Finance has reported, and as I responded in an earlier answer, at the moment Minister Flaherty is conducting consultations with the various sectors as he prepares for the budget in 2008.

The intent of the tax measure in the financial update was simply to provide broad-based tax relief. It in no way diminishes the importance the government will place on the manufacturing and forest industries, that, as the Prime Minister and every minister that is involved in these sectors have stated, are in very difficult circumstances indeed.

[Translation]

Senator Bacon: The economic update presented by the Minister of Finance contains no targeted measures for the troubled sectors. Of the 300,000 jobs lost in the manufacturing industry, 130,000 have been lost in Quebec. When will the federal government intervene to help the manufacturing sector in the very short term?

Senator LeBreton: Again, the intent of the tax measure in the economic update was to provide broad-based tax relief for all Canadians. It did not target specific sectors. The Minister of Finance made it clear in his budget consultations, as has the Prime Minister, that the forestry sector and the manufacturing sector are particularly affected at the present time, although they all benefit from the broad-based tax cuts to small business, corporations and individuals.

In response to the economic statement this week by Minister Flaherty, the president of the Canadian Manufacturers and Exporters Association said:

The reduction in the federal corporate tax rate is an extremely important step in sustaining Canada's ability to retain and attract business investment. It keeps us in the game as countries around the globe are lowering their tax rates to do the same. . . .

I also want to point out to Senator Bacon that in Budget 2007, we introduced an accelerated capital cost allowance which allows manufacturers to write off their investments in equipment over two years to encourage new economic investment and to create jobs. If honourable senators will recall, this initiative which is worth \$1.3 billion, was extremely well received by business.

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Tommy Banks: Honourable senators, my question to the Leader of the Government in the Senate is about accountability and trust. Exactly one year ago this morning, Canadians woke up to what was, for many, a financial nightmare: the announcement by this government of a tax on income trusts.

By the time of the last election campaign, many Canadians had already begun to invest for their financial security in income trusts. During the last election campaign, many of those Canadians increased the proportion of their savings that were in income trusts and many more Canadians moved their savings into income trusts.

The tax on income trusts happened because an economist named Stephen Harper and the political party of which he is the leader had told them that this was a safe place to put their money — that if Canadians invested there for their financial security, they had nothing to worry about. The Honourable Ralph Goodale, the former Liberal finance minister, had already said that after careful consideration the Liberal government would not tax income trusts, and Canadians received a similar and unequivocal message from Stephen Harper.

In a Conservative Party of Canada backgrounder of December 9, 2005, Mr. Harper said:

A Conservative government will preserve Income Trusts by not imposing any new taxes on them. Only the Conservatives will give seniors security by pledging to levy no new taxes on Income Trusts. That is what he said.

• (1425)

In a speech on the same day Mr. Harper said, “Whether it is death taxes, or taxing income trusts, a new Conservative government will never let this happen.”

Some Hon. Senators: Shame, shame.

Senator Banks: He repeated that undertaking in speeches all across the country — “a new Conservative government will never let this happen.”

On January 13, 2006, he said, “We will help Canadians benefit from their own savings and not monkey around with their income trusts.”

Well, what happens —

The Hon. the Speaker *pro tempore*: I am sorry, Senator Banks, but the time for Question Period has nearly expired and I want to give the Leader of the Government a chance to give a short answer.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the question was so lengthy that it may take me a little more than a minute to respond, but this is important.

The fact is that the government acted to restore balance and fairness to the tax system, and this was supported by all provinces. Minister Flaherty levelled the playing field between corporations and income trusts —

The Hon. the Speaker *pro tempore*: The time for Question Period has expired.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is the second day in a row that the Speaker has allowed a question to be asked at the very last second of Question Period.

Some Hon. Senators: Oh, oh.

Senator Comeau: Let me make my point, please.

Senator Banks went almost two minutes over the 30 minutes. I have a stopwatch; I was checking on it. Senator LeBreton was asked to give a very short answer and after 20 seconds, the Speaker asked her to sit down.

I raise this as a point of order with the suggestion for the Honourable Speaker that if she is going to allow a questioner to proceed after the 30 minutes has elapsed, she at least provide the same amount of time for the Leader of the Government in the Senate to respond to the question. Better yet, as soon as the 30 minutes have expired, Your Honour should call an end to Question Period, which is clearly set out in the *Rules of the Senate*.

The Hon. the Speaker *pro tempore*: I will ensure that my watch is coordinated with the clock. The Speaker has a new watch. Perhaps the Speaker *pro tempore* will also purchase a new watch.

[Senator Banks]

Senator Banks: I rise to address the point of order.

The Hon. the Speaker *pro tempore*: Points of order are not to be raised during Question Period.

[Translation]

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that the following message had been received from the House of Commons:

ORDERED,—That the list of members and associate members for Standing Joint Committees of the House be as follows:

LIBRARY OF PARLIAMENT

Members: Mike Allen, Gérard Asselin, Carolyn Bennett, Gerry Byrne, Blaine Calkins, Ken Dryden, Cheryl Gallant, Peter Goldring, Gurbax Malhi, Fabian Manning, Louis Plamondon, Denise Savoie—(12)

Associate Members: Jim Abbott, Harold Albrecht, Dean Allison, Rob Anders, David Anderson, Dave Batters, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooge, Ron Cannan, Colin Carrie, Rick Casson, Michael Chong, Joe Comuzzi, John Cummins, Patricia Davidson, Dean Del Mastro, Barry Devolin, Norman Doyle, Rick Dykstra, Ken Epp, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Gary Goodyear, Jacques Gourde, Nina Grewal, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Betty Hinton, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Wajid Khan, Ed Komarnicki, Maka Kotto, Daryl Kramp, Mike Lake, Guy Lauzon, Denis Lebel, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Inky Mark, Colin Mayes, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Richard Nadeau, Rick Norlock, Deepak Obhrai, Brian Pallister, Glen Pearson, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gary Schellenberger, Bev Shipley, Carol Skelton, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Merv Tweed, Dave Van Kesteren, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams, Lynne Yelich

SCRUTINY OF REGULATIONS

Members: Sue Barnes, David Christopherson, Ken Epp, Carole Freeman, Monique Guay, Rahim Jaffer, Denis Lebel, Derek Lee, Rick Norlock, Pierre Poilievre, Paul Szabo, Tom Wappel—(12).

Associate Members: Jim Abbott, Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Dave Batters, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooge, Blaine Calkins, Ron Cannan, Colin Carrie,

Rick Casson, Michael Chong, Joe Comuzzi, John Cummins, Patricia Davidson, Dean Del Mastro, Barry Devolin, Norman Doyle, Rick Dykstra, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Cheryl Gallant, Peter Goldring, Gary Goodyear, Jacques Gourde, Nina Grewal, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Betty Hinton, Brian Jean, Randy Kamp, Gerald Keddy, Wajid Khan, Ed Komarnicki, Daryl Kramp, Mario Laframboise, Mike Lake, Guy Lauzon, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Fabian Manning, Inky Mark, Colin Mayes, Réal Ménard, Serge Ménard, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Deepak Obhrai, Brian Pallister, Daniel Petit, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gary Schellenberger, Bev Shipley, Carol Skelton, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Merv Tweed, Dave Van Kesteren, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams, Lynne Yelich.

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

AUDREY O'BRIEN
The Clerk of the House of Commons

[English]

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Brown, for the second reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

Some Hon. Senators: Question!

Hon. James S. Cowan: I move the adjournment of the debate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those opposed to the motion will signify by saying "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: All those in favour of the motion will signify by saying "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: In my opinion, the "nays" have it.

Some Hon. Senators: On division.

Motion agreed to, on division.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Nick G. Sibbeston: Honourable senators, never in recent history has the North been given such attention by the national government.

• (1430)

The need for northern development and the importance of the North for Canadian sovereignty are the first issues highlighted in the Throne Speech. The Governor General concluded by referencing the North Star, clearly placing Canada as a northern country. The Prime Minister could do no better than to follow the trail first laid-out by northerners.

We are proud to be Canadians, and we are especially proud to be northern Canadians, who are different people than southern Canadians. We love the cold and our unique northern environment. The rigours of living in an inhospitable environment have taught us important lessons, namely that helping each other, sharing and getting along are important and key qualities that characterize northerners.

We also recognize the strength that comes from Aboriginal and non-Aboriginal people working together to create a common

vision. A give-and-take society is the kind of society we have created in the North; people have learned to get along. A person would not survive by acting otherwise in the North. Northerners are intimately linked to the land and the environment in which we live, and are sensitive to anything that might threaten them.

People from across the North are amused and even bemused by the sudden interest in our lands, especially as it relates to Arctic sovereignty. Northerners, especially Inuit and Inuvialuit, have been occupying the far reaches of the Arctic since time immemorial. The presence and strength of their communities — from Griesee Fjord to Pond Inlet, from Cambridge Bay to Sachs Harbour — should be Canada's strongest argument for Arctic sovereignty.

Therefore, while I welcome the proposals — some new, many previously announced — to purchase new patrol vessels, expand the Arctic Rangers program and establish a world-class Arctic research station, I am concerned that there is little being done about the social and economic development of Northern territories. There are people living in the North, and these initiatives must be conducted with respect for and in consultation with them.

Too often the Prime Minister makes surprise announcements during hastily-arranged trips and imposes technocratic-like decisions without regard for the real concerns of the people. I heard it said this summer when the Prime Minister came to the North, without announcing or telling the leaders that he was coming. The Prime Minister was insensitive and, to a certain extent, rude in coming to the North without an appropriate announcement to the people there.

Although the Throne Speech promises an integrated northern strategy, it is rather vague on how this will be accomplished. Will northerners and their governments be fully consulted and involved in developing this strategy? There is a fear in the North that all the decisions will be made from afar, in Ottawa. In the past, when we were under the administration of the federal government, decisions were often poorly made. The government should have had the common sense to seek advice from and the involvement of the people of the North. In that regard, people are afraid that this scenario is happening again; that decisions are being made by the federal government without the involvement of local people.

A new government has just been elected in the Northwest Territories that will soon be determining its priorities. These priorities will certainly include the completion of a devolution agreement to hand over the control of lands and resources, and will also include a fair and reasonable deal on resource revenue sharing. These two issues are important matters with which the governments in the North have been dealing. I hope that the federal government will recognize that the issues of revenue sharing and devolution are important, and I hope the government will deal with them appropriately.

Premier Roland has identified the development of clean hydroelectric energy as a priority both for economic development and reducing greenhouse gas emissions. I hope that the federal government will quickly sign-on as a partner in this venture.

There is a tremendous need in the Northwest Territories to complete a highway down the Mackenzie Valley. Chief Cece MacAuley was here a couple of weeks ago, and I spent a day with her in meetings with Minister Strahl and other federal officials. Her main concern was the need for a highway down the Mackenzie Valley, which would make it possible for communities to be linked, have cheaper food and a means of transportation. This is a critical issue for the people of the North that I hope the federal government will deal with.

I would be remiss if I did not gratefully acknowledge the Prime Minister mentioning in the Throne Speech that the government would apologize to residential school survivors. I have to assume the Prime Minister read my speech on this matter last spring when I said the government should do this.

I am also pleased the government will be introducing legislation to deal with specific claims. This is a current issue in Canada. The Okas and Caledonias of the world exist because of unresolved historical grievances, as it were.

Our Senate committee dealt with the specific claims issue and we made recommendations. We are pleased that Minister Prentice and the government have stated that they will follow the recommendations made by our committee to resolve that issue.

As I commend the government, I wish to acknowledge Minister Prentice, in particular, who has had many years of experience in this area, for acting boldly and progressively on this critical issue. I hope that Minister Strahl will continue his good work.

The budget speech referred to measures to continue improving housing on reserves, and access to clean drinking water. These statements are welcome, and they would improve the economic life of Aboriginal people. I highly recommend to the Prime Minister and the government that they refer to the Senate report entitled *A Hand Up, Not a Hand Out*, which would provide the Prime Minister with excellent solutions as to how to build Aboriginal economies.

Climate change and what can be done about it is a major concern for northerners. I made a number of trips into the Arctic last spring. In all the areas and communities that I visited, people said that the North is definitely changing; weather patterns are changing. Northerners are beginning to see erratic weather signs such as earlier warming in the year, and signs of birds and insects that they had never seen before.

The Throne Speech claims that progress has been made and will be made in the area of climate change. The Prime Minister is a late convert to the issue and, while better late than never, I hope the government will continue in this vein. The Prime Minister's targets are modest and his timetable long. Significant cuts to emissions will not occur for another 30 or 40 years.

I assure honourable senators that climate change is real and it is accelerating, as I said earlier. There are signs everywhere in the North. Scientists are documenting dropping water levels in lakes and rivers, the collapse of glaciers and the retreat of sea ice. All this is happening faster than originally predicted.

Much has changed in just the last 10 years. It is hard to imagine what 40 years will bring if we do not act swiftly. As set out by Sir Nicholas Stern in his paper entitled *Stern Review on the*

Economics of Climate Change, the world has a clear choice: Pay billions now to slow climate change or pay trillions later to adapt to it. Protecting our current energy-intensive economy at the expense of our future well-being may prove not to be the wisest choice.

• (1440)

Therefore, the government must act quickly to ensure that the massive oil sands development in Fort McMurray, which already has huge environmental impacts, not only in northern Alberta but across the Arctic, are developed in a carbon neutral manner that protects water supplies.

To be fair, I must admit that the proposals in the Throne Speech are headed in the right direction. Binding targets for real cuts to greenhouse gas emissions are essential, but I am not convinced that the aspirational goals that the Prime Minister has embraced, along with George Bush of the U.S. and John Howard of Australia, will get us there.

Putting Canada at the forefront of clean technologies is exactly where we should be headed. However, again, the Throne Speech gives no indication that the government will make the necessary investments in research and development.

According to some estimates, the last two years of government dithering on the subject of climate change has already cost Canadian businesses billions of dollars. Our competitors in England, Sweden and California have a head start now, and we may find it hard to catch up.

Moving forward on an emission trading market is also a useful initiative, but it must be broad and rigorous enough to work. A national or, better yet, international trading system, and not a bunch of weakly-linked provincial ones, is essential. British Columbia has become tired of waiting. I understand that B.C. Premier Gordon Campbell is in Portugal this week to sign on to the European system.

In other areas of the environment, I am encouraged by the government's determination to strengthen legislation to protect our water supplies. Fresh water is vital for life, but as reported in *The Globe and Mail* last week, it is not something we can take for granted. Again, the Honourable Senator Jerry Grafstein has been at the forefront in sounding the alarm about clean drinking water.

With respect to the issue of parks, I was pleased to see mention of preservation of the Great Bear Rainforest. I went to British Columbia last year to learn more about the initiative, and I was impressed by the way environmentalists, industry, government and First Nations were able to come together to protect essential areas of northern B.C. while still providing for economic development for local people through mining, forestry and tourism.

I hope that a similar approach will be taken in the expansion of the Nahanni National Park, an issue that is important for the region I come from. What is at stake is nothing less than the future of the Deh Cho government when it is created through the current land claims and self-government process. Whether that government will be self-sustaining depends on the use of minerals, oil and gas and other resources to create wealth, jobs and business opportunities for its people.

The mineral and energy resource assessment recently completed on the Nahanni Parks region shows many areas with significant potential for mineral development in the proposed expansion area. Minerals such as copper, gold, zinc, uranium, lead and tungsten are scattered throughout the area. I have no doubt that further analysis will reveal even more resources.

If Parks Canada and the more radical environmental organizations have their way, all this wealth will be swept up in a huge expansion of the park to more than seven times its present size. Once the park boundaries are set, it will be impossible to change them.

In my view, this is nothing but a land grab by Parks Canada and environmentalists. People need to work to eat. A park, while good for its own reasons, has few employees and puts limited dollars in the local economy. The government must ask itself whether the local people and Canada itself will benefit more from the sustainable development of these resources, or from creating a massive park in the wilderness.

Canada and the Deh Cho leaders need to examine seriously whether giving up all those resources is truly in the best interests of the local people.

The Throne Speech proposes to create a new, single window for major project approvals, whether for mines, energy development or infrastructure. It must promote administrative efficiency while remaining sufficiently rigorous to protect the environment. It must also respect the right of Aboriginal people, especially those established through a land claims agreement.

The Throne Speech contains many other plans, and I look forward to contributing to those debates as specific bills move through the Senate.

Before I close, I mention that as a northerner, Dene and Metis, I support the government to end the long gun registry. It has been a sore point for many people in the North who depend on the use of guns daily to hunt and put food on the table.

I will summarize by saying the government proposes to take certain initiatives in the North involving the military, scientific research, deep sea ports and parks. While this is good, it needs to be —

The Hon. the Speaker pro tempore: Senator Sibbeston's time has expired. Is the honourable senator asking for more time?

Senator Comeau: He is asking for one minute.

The Hon. the Speaker pro tempore: One minute.

Senator Sibbeston: While these initiatives are good, they need to be mindful of the people who occupy and live in these far northern lands.

There was mention of the North Star being a guide at the conclusion of the Throne Speech by Her Excellency. Incidentally, something more glamorous and spectacular are the aurora borealis, the Northern Lights. I add that while it is good to arouse the attention and imagination of southern Canadians by looking at the North Star, instead of looking up, look to the inhabitants of the North — the Inuit, the Inuvialuit, the Dene,

the Metis, and more recently, the non-native people who have made their homes in the North. Look to their toughness, hardiness, vitality and friendliness in accommodating people of the North. They represent all that is good about Canada, people who have a fierce understanding and love for their land. Let that be your guide. Thank you.

The Hon. the Speaker *pro tempore*: Continuing debate.

Hon. Francis William Mahovlich: Honourable senators, I rise today to voice my opinion on an important issue of current national debate. On October 17, Stéphane Dion, Leader of the Official Opposition, presented his response to the Speech from the Throne for the Second Session of the Thirty-ninth Parliament. I would like to state my agreement with the key messages that Mr. Dion emphasized.

The Liberal Party has many points of contention with regards to the government's current plan for Canada, such as their failure to keep Canada's Kyoto commitments and the government's unwillingness to commit to ending the Canadian combat mission in Afghanistan by February 2009. Furthermore, the government failed to rise to action in the combat against poverty in Canada.

In addition to these points, they have not attempted to create plans to improve further the economic situation of Canadians, especially for those in the manufacturing and agricultural sectors.

The Liberal Party of Canada will continue to be clear on its point of view on these important issues while also maintaining the best interests of Canadians. The bottom line is that Canadians do not want another election. Canadians want Parliament to do its work. They want a Parliament that works for them. The Liberal Party of Canada will continue to work for what Canadians want.

Three federal elections in three and a half years, in addition to the numerous provincial elections that have taken place recently, are too many in the minds of Canadians.

I agree, honourable senators: It is time for Parliament to continue to do what it does best, work for Canadians.

On motion of Senator Tardif, debate adjourned.

• (1450)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pat Carney moved second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Carney, P.C.*)

She said: Honourable senators, Bill S-215, An Act to protect heritage lighthouses, represents the seventh attempt in seven years to grant protection to heritage lighthouses of Canada.

It was introduced six times previously, including during the second session of the Thirty-sixth Parliament, the first, second and third sessions of the Thirty-seventh Parliament, the first

session of the Thirty-eighth Parliament, and it has proceeded to committee stage in the other place. It never received Royal Assent before those parliaments rose.

This bill, co-authored originally by me and the late Senator Forrestall, has been introduced five times by him and twice by me. Some of you will remember that it grew out of the ad hoc Senate committee on light stations back in the 1990s, when we found out this was a problem for Canada's marine heritage. It has been a very long time in the parliamentary mill.

Despite the broad support for this bill from all parties in Parliament, we have not yet been able to enact it thus far. I am looking for your support to expedite the passage of this bill through the Senate and back to the other place, where it was before committee in June, before Parliament was prorogued. As a matter of fact, I was called as a witness to appear before the committee. On Thursday, I was at the airport en route to Ottawa when I found out that Parliament had been prorogued on the previous Wednesday night.

I have the agreement of the opposition parties, in principle, to bypass the committee process in the Senate and proceed directly to third reading, since it is exactly the same bill which we debated and amended less than a year ago.

It should be noted that this bill is supported in principle by the departments of Environment, Heritage and Fisheries and Oceans. I have letters of support from the ministers.

This bill, as many of you know, addresses the problem that lighthouses, once deemed to be surplus to operational requirements, have no mechanism for their preservation. In the past, they have been blown up, burned down, jack-hammered or left prey to vandalism because the operational departments have no means of transferring them to interested community groups, except on a specific regional, ad hoc basis. These groups are prepared to take on their maintenance.

The present heritage designations are too restrictive to apply to most and do not provide a public consultation process, nor for the actual preservation of the light stations.

For instance, in Canada there are only 14 light stations that have national historic site status, but they are not actively protected and preserved. They may have rotting shingles and they may have mould because of moisture. This is the case, for instance, for the lighthouse on Seal Island on the southern tip of Nova Scotia where we have lost a historic lighthouse by demolition by neglect. On Seal Island, Canada's second oldest lighthouse lies in pieces, the victim of dry rot. Such cases are a national shame. Each day that goes by without the kind of legal protection afforded by the heritage lighthouse protection bill is a day that lighthouses are left exposed to neglect.

The main feature of this modest bill is to facilitate the designation and preservation of heritage lighthouses as part of Canada's culture and history, and to protect them from being altered or disposed of without public consultation.

The bill defines heritage lighthouses as a lighthouse designated as a heritage lighthouse under this Act, and includes any related built structure that is included in the designation.

The bill also provides that heritage lighthouses be reasonably maintained, which seems to be an issue of concern. It defines "alter" as "to change in any manner," and includes "to restore or renovate," but does not include the performance of routine maintenance and repairs.

I could take the time of the Senate to read the other main parts of this short bill, but it would serve the interests of the Senate better to move this bill back to the committee stage in the other place, where it was prior to prorogation, and where it is entitled to be reinstated by virtue of Standing Order 86.2 of the other place if it passes through the Senate within 60 sitting days.

The key to this bill is that the Canadian public will be consulted before any lighthouse is disposed of and destroyed. Currently there is no method by which to protect those structures.

As I have mentioned many times in this house, on my own island the second lighthouse keeper's house was simply demolished without our knowledge, although housing is terribly scarce on our island. That facility could have been used by us. Many communities have examples of lighthouses that have been burned down or destroyed.

There is very strong public support for this bill. People do not recognize that there are lighthouses in all provinces except Alberta and Saskatchewan. There is an old and famous lighthouse just off Toronto's waterfront.

Groups advocating for successful passage of this bill include the Heritage Canada Foundation, the Nova Scotia Lighthouse Preservation Society, whose president Barry MacDonald worked with Senator Forrestal on the original bill many years ago, and the Nature Conservancy of British Columbia.

Many coastal communities and even some inland communities have urged passage of this bill because some lighthouses, which are surplus to the requirements of the Department of Fisheries and Oceans — this is true particularly of the East Coast — may be transferred to local communities and represent economic opportunities and jobs. For instance, off of the B.C. coast there is an operational lighthouse in the Gulf of Georgia, but it has been de-staffed. The Nature Conservancy of B.C. would like to take over the maintenance of that facility and run it as a tourist operation for mainly European visitors, who will pay money to go and sit on an island in the middle of the Gulf of Georgia. I already sit on an island on the Gulf of Georgia, so I understand the attraction. The money so raised would help preserve that lighthouse.

Other lighthouses on both the Atlantic and Pacific coasts are still very important operational lights, providing vital navigation services to our maritime community, yet these light stations too are often in a state of decay, neglected by DFO. They include Race Rocks, off the entrance to Juan de Fuca Strait in B.C. as you come in from the Pacific Ocean, which was built by the Royal Navy in 1860. While the site is managed by an educational institute as an environmental station, the light tower itself has experienced severe damage, since once the lightkeepers were removed and the heat turned off, the structure started to crumble.

• (1500)

Similarly, the roof of Point Atkinson, at the entrance to Vancouver Harbour on a point that was charted by Captain Vancouver, suffered severe storm damage last winter. Those lights

are operational. It is important to note that the maintenance problems of operational lights have nothing to do with Bill S-215. That is important because government departments are trying to allocate costs to the heritage preservation bill that are not inherent to the legislation proposed. These problems with operational lights are problems of neglect by the Department of Fisheries and Oceans, DFO, and they need to address them. It is a red herring to drag them into the issue of preservation of some of these lighthouses.

The Speaker in the other place has twice ruled that our various acts to protect heritage light stations are not money bills. If they were, they could not be introduced in the Senate. Yet DFO spokespersons, testifying before committees both here and in the other place, have repeatedly and erroneously inflated the potential costs inherent in the bill.

In past hearings, the false and misleading information that officials have presented includes the assertion that there are 750 lighthouses in Canada that would require funding pursuant to the provisions of this bill. This fabrication is deliberately designed to undermine support for the bill since the resulting cost estimates to protect them under the bill would be in the \$384-million range, according to these officials. In fact, DFO evidence to the Senate committee states that the bill's definition of "lighthouse would comprise 256 lightstations owned by Fisheries and Oceans Canada and Parks Canada and 504 aides to navigation owned by Fisheries and Oceans that the public perceives as lighthouses."

Inflating the number to 750 by adding flashing buoys and channel markers, is ridiculous and insulting to coastal Canadians, who know the difference between a channel marker bobbing around in the water and a light station at the transverse point of a difficult navigational area, and presumably members of this chamber know the difference too. In the discussion of the bills that have preceded this one, it was demonstrated that my colleagues definitely know the difference between a channel marker and a light station.

In fact, as I have said, only a few light stations would receive heritage status. Bill S-215 would provide community commitment and involvement and thus share the cost burden, whatever it might be. Heritage Canada Foundation's most recent magazine, which has been sent to each senator to show support for this bill, states:

The Heritage Canada Foundation says Canada is the only G8 country with no law protecting historic sites owned by the federal government. As of 1994, the U.S. counted 611 historic light stations. Today, one in seven American lighthouses over 50 years old is protected. The U.S. National Park Service released a lighthouse preservation manual in 1997 that covers how to deal with specific maintenance problems associated with the structures, including masonry, iron, wood, concrete and lanterns.

The maintenance costs of maintaining such lights can average about \$2,000 a year. If you take DFO's own stated figures of 256 light stations in Canada and use the American figure of one in seven as heritage, in my mathematics we come up with 36 potential heritage light stations in Canada. That is a far cry from the 750 that DFO suggests.

I am asking honourable senators to help move this bill along. Another red herring I must point out to colleagues in this house is the environmental risks posed by the fact that some lighthouses may have lead paint. When I visited Peggy's Cove light station this summer, the postmistress told me that DFO officials were inspecting this world-famous facility and digging their penknives into the paint to determine if any lead paint was involved. Of course, it would have lead paint. It was built in the early 1900s. Anything before about 1950 in Canada had lead paint, including most of the Atlantic housing stock. We are not proposing demolishing half the housing stock in Atlantic Canada because at some time houses had lead paint. Treasury Board has ruled that the mitigating measure for risks posed by lead paint is a fresh coat of paint, and Parks Canada is my source for that information.

The substantive provisions of this bill remain the same as they were the past six times it was introduced, and each time it received unanimous support in this chamber. This bill was amended and passed by the Standing Senate Committee on Fisheries and Oceans less than one year ago, on December 7, 2006. Given the ample debate that there has been on the provisions of this bill, I hope that honourable senators will refrain from adjourning the debate today and support my forthcoming motion to allow this bill to proceed directly from second reading to third reading, without referral to committee in the Senate. I also hope that this bill can be read a third time at the next sitting of the Senate.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move the adjournment of the debate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: All those in favour will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will signify by saying "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "nays" have it.

And two honourable senators having risen:

Hon. Terry Stratton: Honourable senators, as there are senators in the Victoria Building, there should be a 30-minute bell.

The Hon. the Speaker pro tempore: Honourable senators, it will be a 30-minute bell.

Call in the senators.

• (1530)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Andreychuk	Hubley
Bacon	Joyal
Brown	Keon
Bryden	LeBreton
Callbeck	Mahovlich
Campbell	Milne
Chaput	Mitchell
Cochrane	Moore
Comeau	Munson
Cook	Nancy Ruth
Corbin	Nolin
Cordy	Oliver
Cowan	Pépin
Dawson	Peterson
Day	Poulin
De Bané	Smith
Di Nino	Stratton
Eggleton	Tardif
Fairbairn	Tkachuk
Goldstein	Trenholme Counsell
Gustafson	Watt—44

NAYS THE HONOURABLE SENATORS

Carney	Cools—2
--------	---------

ABSENTIONS THE HONOURABLE SENATORS

Banks	Stollery—2
-------	------------

• (1540)

KELOWNA ACCORD IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Larry W. Campbell moved second reading of Bill C-292, An Act to implement the Kelowna Accord.—(*Honourable Senator Tardif*)

He said: Honourable senators, as you already know, Bill C-292 made it to committee stage in the last session. I have no wish to repeat the speech I made on March 27, 2007 in its entirety. I should like, however, to reiterate that this is not a partisan effort. I strongly believe that it is in the interests of all Canadians that the Senate takes the time to review the benefits that would be derived from the Kelowna Accord.

Bill C-292 admittedly calls for the immediate implementation of the Kelowna Accord and requires that the Minister of Indian Affairs and Northern Development prepare a report reviewing the progress made by the Government of Canada in fulfilling its obligations under the accord. I ask honourable senators opposite

to move this bill along to committee stage so the members of the committee will be able to finally take the time to study the intention of the bill and determine the implications of this proposed legislation.

I fully understand that the Conservative government has its own approach, which may lead to future improvements. However, the Kelowna Accord is a different strategy. The accord took a crucial and innovative step forward in addressing the lack of input from local communities and large segments of the Aboriginal population. In any development program, there needs to be agreement from both sides and participation from each party to ensure that, three or five years down the road, the institutions that are created do not simply fall apart.

We cannot continue to move forward if the beneficial commitments made by past governments are not fulfilled because of ideology. It is not fair to either the organizers of the conference, the bureaucracy that worked so hard in drawing up the strategy or the Aboriginal groups that dedicated their time and investment into the success of these initiatives. The government needs to build trust, instill a sense of cooperation, and give the communities a stake and a say in their future.

Honourable senators, this chamber sensibly saw fit to refer this bill to committee in the last session. I ask that Bill C-292 be allowed to move forward again to the Standing Senate Committee on Aboriginal Peoples, where, under the leadership of Senator St. Germain, we can continue to work on improving the lives of those who are most at risk in this great country.

On motion of Senator Stratton, debate adjourned.

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the adoption of the second report of the Committee of Selection (membership of Senate committees), presented in the Senate on October 23, 2007.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I definitely wish to speak and I should like to raise a point of order regarding the second report of the Committee of Selection.

Honourable senators, it appears to me that this report is deeply flawed because it did not obey the Senate order of reference for committees and canvass every senator to ascertain their interest or lack thereof in committee membership. In Question Period, the government leader has consistently refused to answer questions about the government's attitude towards me. On Tuesday, October 30, the Government Whip, Senator Stratton, was most unclear. At page 119 of the Debates he said:

In all my years in leadership on both sides, every senator in this chamber, independent or otherwise, has received a form on which to indicate their preference for service on committees, in some form or other. We on the government

side look after a certain number of independents, and I would be amazed if Senator Cools did not receive that form.

Declining to answer my question, he added:

I answered the one question, and that is all I will do.

Honourable senators I am absolutely certain that I have neither received nor seen any written solicitation of my interest to serve on committees. My staff has informed me yet again that they have received none and that they searched. The fact is that the legal and constitutional duty rests with the committee chairman to ascertain my interest or disinterest in direct contact with me. On Tuesday, the Chairman, Senator Segal, for whom I have great respect and affection, accepted full responsibility for this. I admire him. He said at page 117 of the Debates:

First, to the extent it turns out that Senator Cools was not canvassed, as I was informed that she was, let me accept full and complete personal responsibility for that oversight, which I do without exception and without any qualification.

Honourable senators, I note that the Selection Committee proceedings do not reflect any statement from him that he had canvassed me. The committee records of the debate are the true authority. The constitutional duty as assigned by the Senate to ascertain the interest, willingness and availability of all senators is not vested in the party leaders or the party leadership; it is vested with the Selection Committee chairman, as constituted and ordered by the Senate. That is the legal and constitutional position. Party caucuses are informal, non-legal entities whose wishes, while helpful to their memberships, do not bind the Senate. The Senate is bound by its own orders and law. The Senate ordered Senator Segal to canvass every senator. Consequently, the responsibility for ascertaining my interests in committee service rested with the chairman, Senator Segal. Senator Segal's responsibility could have been discharged by discussions between him and myself prior to the committee's adoption of the report. That would have been the proper course of action.

Honourable senators, it is well-established law that the Speaker or a committee chair must not put a question that is incomplete, defective or out of order. Sir Reginald Palgrave, in his famous chairman's handbook, said:

This is his duty, because he is, to this extent, responsible concerning the questions that he submits to the consideration of the meeting.

Honourable senators, the situation regarding the second report, already complicated, has become confounded by Tuesday's debate — so confounded as to invalidate the report and cause it to be null and void, *ab initio*. Tuesday's debate has established clearly that Chairman Segal had not spoken to me, as had no one on the government side. Further, both Chairman Segal and Senator Stratton expressed surprise that I had not received any questionnaire from some unknown staff of some unknown senator. Yet, knowing that they had received no completed questionnaire from me, neither chose to speak to me directly and to remove doubt. All of this is immaterial anyway, honourable

senators, because the only solicitation and canvass that I am owed legally and formally is the one that I was owed from the chairman on behalf of the committee.

Honourable senators, the heart of the matter, and therefore the purpose of my point of order today, is the Speaker of the Senate and his position. On Tuesday, Senator Segal involved the well-respected Speaker of the Senate in this woeful tale. On Tuesday, October 30, I said:

I noted that Senator Segal has stated that I am an independent.

• (1550)

Immediately, Senator Segal responded to me. He said:

I believe the *Rules of the Senate* specify that the status of every senator is affirmed by that senator in their relationships with the table, and is not appropriate for anyone on either side to make a reference that has not already been undertaken by individual senators on their own behalf. I am not aware that she has done that.

Honourable senators, Senator Segal has invoked the Senate rules, the table and the Speaker. Senator Segal has asked the senators to countenance the table and the Speaker's role, further confounding the report and this proceeding. I believe there has been sufficient misunderstanding, mistrust and intrigue around this report and that the situation is so confounded as to put this report in that class of parliamentary proceedings that are called "impure or corrupted proceedings." Honourable senators, I wish to ask Her Honour to rule on this matter. I believe that the Senate is owed some clarification on this question. Specifically, I am asking Her Honour to clarify and rule on four points. I have great affection for the Speaker and for Her Honour, and I do not wish to involve Their Honours in this woeful tale, so I am asking them to clarify and rule on four points: First, the nature of my relationship with the table, and the meaning of Senator Segal's words about my affirmation in my relationships to the table; second, the role of that relationship with the table in the committee's consideration, or, rather, lack of consideration of myself for membership in committee; third, the role of the Speaker; and fourth the law and the Constitution for the reasons supporting Their Honours' ruling.

Honourable senators, I wish to read a letter that resonates with Senator Segal's statement. It is an email to Bruce Campbell, a member of my staff, from Stephen Ball of the Government Leader's office, sent on July 31, 2007. I note that, thankfully, it was not a letter to me, because I do not have those kinds of discussions with any staff.

The letter reads:

Hi Bruce,

I see that Senator Cools is still listed on the Senate website and on the parliamentary website as representing the Conservative Party of Canada.

It appears that the Speaker or the Clerk of the Senate would like to have written notification from Senator Cools before authorizing changes.

While she may be well aware of this, I would appreciate it if you would draw this to her attention.

Thanks.

Stephen Ball
Office of the Hon. Marjory LeBreton, P.C.

Honourable senators, I wish to record here that the Speaker of the Senate has never asked me for any such letter. Neither, honourable senators, do I believe that I owed the Speaker a letter. Interestingly, there is a previous and similar email dated July 4 to Bruce Campbell from Mr. Ball. It reads:

Hi Bruce,

When Senators cease to be members of the Conservative caucus, their names and the names of all their staff members are removed from the group — SEN C. I expect the same would apply to any senators who might leave the Liberal caucus, in that their names would be removed from — SEN LIBERAL.

A separate group was formed to accommodate Senators Murray, Atkins and Spivak and their staff.

Most senators who are not part of a caucus are to be found in the group — SEN IND.

You may wish to ask the people at Information Technology to add Senator Cools, yourself and any other staff members to that group.

Regards,

Stephen Ball
Office of the Hon. Marjory LeBreton, P.C.

Honourable senators, I wish to be crystal clear that I am not asking the Speaker to rule on either the substance or the merits of my failed relationship with the Conservative caucus. To protect him, I have been specific to four points upon which I have asked the Speaker to rule. I have great respect and affection for Speaker Kinsella. Knowing that he is of the Conservative caucus and might have seen the widely distributed letter announcing that I was no longer a member of the national Conservative caucus, I feel a need to protect him, so I do not want him involved in any of that.

Honourable senators, in conclusion, I believe that this woeful situation is largely the result of this government's hopeless mismanagement in handling human relations. What we have before the Senate is a tangle created by the Conservative Senate leaders. It is the result of hopeless incompetence wrapped in intrigue. The situation has arisen because the Conservative members who organized the ending of my failed relationship with the Conservative caucus, and in their intrigue, bungled.

Honourable senators, I never resigned from the Conservative caucus. My membership was simply dissolved by an individual senator who is not even a member of the Government. Apparently, the Conservatives' bungled declaration of the ending of the relationship is not satisfactory to the Senate. As I had never resigned from the caucus, I had never written a letter

to the Speaker, or to anyone, to inform or to ask them to remove my name. As I said, I had taken no action; I had not resigned, and neither had I been formally expelled.

Honourable senators, I wish to be crystal clear. I have accepted that I am out of that caucus. When one is unwanted, one knows. I have accepted that I am out of the caucus and that the Conservative members have put me out. The fact is that Conservative intrigue to expel me, without taking responsibility for that expulsion, ran into a self-created hurdle which they now seek to overcome. Apparently, because the Conservatives' contrived expulsion of me could not legally remove my name, I am still listed as a Conservative senator. Consequently, honourable senators, I would submit that much of this has to do with pressuring me to write to the Speaker.

Honourable senators, this continuing punishment of me, as embodied in the report of the committee, is related to the fact that the Conservative caucus — not the national caucus; most members of the national caucus do not understand what has happened — wishes to coerce me and to extract a letter from me to the Speaker of the Senate, asking him to remove my name from the list of Conservative senators.

As I said before, I never resigned from that caucus, despite remarkable disagreement. I do not believe that any letter from me, or any communication from me to the Honourable Speaker of this, the Honourable High Court of Parliament, should be corrupted by intrigue or compelled by coercion. Furthermore, honourable senators, a letter to the Speaker cannot be untrue. Honourable senators, such a letter from me would be untrue because, first, it did not happen; and, second, it would have the effect of legitimating all of the contrived and dubious actions, rather than individuals in positions of influence and leadership sitting down with me face to face and coming to a parting of the ways, they simply contrived to put me out and to make it appear that I had resigned.

Honourable senators, let us understand the difference between the formal and the informal state that goes on in this place.

• (1600)

Legally, such a letter to the Speaker from me, in addition to legitimizing all their contrived and dubious actions and accepting all of this, would then become the letter of resignation that the party never received from me. Let us understand that I do not accept the way that they have done that. If they knew anything about me, things could have been done much differently.

Honourable senators, my point is to ask the Speaker to look at this business of my relationship to the table and this affirmation that I seem to need from the table.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I had hoped that Senator Cools might have had an opportunity to look again to see whether she had received a communication regarding her committee preference. I do not think she has had that opportunity.

In respect of this issue, on Tuesday the honourable senator stated:

... I am not aware of, nor have I received any information from, my staff or anybody in my office to any such effect.

She was referring to whether she had been sent an email regarding her adherence to committee. She later said:

... I have been trying to understand why no senators have consulted with me to ascertain my interest in serving on committees.

On Monday, September 17, at 9:46 a.m., EST, the Conservative whip's office sent an email to all Conservative senators and their offices as well as to all non-aligned or independent senators and their offices. Again, the email was sent to all Conservative senators and non-aligned senators. It contained the subject line "committee preference" and was classified as having high importance. Senator Cools was included in the list of recipients.

Before continuing, I note that for more than five years the whips of both parties in this place have sent out all manner of notices and information via electronic mail. We are all in the 21st century and the reality is that, for the most part, email carries as much legitimacy and legal weight as correspondence sent via Canada Post. In fact, emails are much easier to trace than Canada Post correspondence which can be lost "in the mail" whereas emails cannot be lost easily. Anyone using email services understands that emails do not go awry.

The email in question included a printable attachment that requested honourable senators to complete the form and submit their choices. Indeed, the exact wording of the message was as follows:

Honourable senators, please indicate on the attached form which committees you would like to sit and return it to our office, Room 287-S Centre Block, by Monday, October 1, 2007.

Thank you.

This left a generous two-week period for honourable senators to contemplate for which committees they wished to request a position. It is worth noting that every non-aligned or independent senator responded to this request except, it would appear, Senator Cools.

Senator Cools: Always the exception.

Senator Comeau: In examining the email report that accompanies these communications, we found within the system that Senator Cools did receive the email — and this is what I am referring to, Senator Robichaud — it not only indicates that the email was sent and received, but also whether it was opened. Indeed, Senator Cools received the email but the message was not opened. The email was received by her office but not opened.

Therefore, email is much better than Canada Post because with Canada Post, we would not know whether the letter was received in her office. In this case, we know that the message was received by her office. Either she or someone else chose not to open it because the message was delivered to her computer but it was not opened and not read. I repeat the words "not opened." It is likely still there.

Simply failing to open her email does not absolve the honourable senator of her responsibility to submit her committee preferences.

For example, I received my email from the whip's office when my assistant forwarded it to my home, where I was at the time. I submitted my preferences to the whip's office and, a number of days later, my office received a call from Senator LeBreton to advise of the preferences that "had been chosen for me."

No one ever called to speak to me in person about this matter. All such correspondence was done by email and fax. In full respect for my leader, she did call my office but I was not in so I received the message on preferences through my staff. I was not consulted in person.

The honourable senator has been a member of this chamber for more than two decades, which is much longer than I. The process for gaining committee membership has not changed so greatly over that time that she could have possibly been confused about the process or the timing of these events. Such events have occurred at the outset of a new session of Parliament since the Senate began sitting in November 1867. That is quite a long time. Selection of committee membership is not one of the great mysteries of the Westminster system.

Honourable senators, allow me to provide a real world example. We all receive utility bills through traditional and/or email services and if we do not open them, it does not absolve us of our responsibility to pay those bills. Simply put, just because I decide not to open my email, as seems to be so in this case, does not mean that I am not responsible for dealing with its contents.

We know that the honourable senator is familiar with the committee preference process because she was a willing participant in submitting a similar form last year, of which I happen to have a copy, prior to the opening of the First Session of the Thirty-ninth Parliament. If the honourable senator's staff has forgotten how to use a computer or email, perhaps she would allow them to take a course. I understand that the Senate's information and technology service is more than willing to offer one-on-one instruction. That was a "paid political advertisement" — I hope it earned me some brownie points with them.

All honourable senators in this place are mature adults. Surely we need not resort to chasing after members to finish their proverbial homework. Senator Cools noted yesterday that she found her omission from the second report of the Committee of Selection "most peculiar and odd." The only thing odd is that the honourable senator did not open and respond to the email in question or, at the very least, contact someone to discuss the committee process for independent or non-aligned members of this chamber.

I sincerely hope that the honourable senator and members opposite will not continue to hold hostage the work of our committees merely because of what is, at best, tantamount to a clerical error on the part of the honourable senator who happened not to open her mail.

The issue in regard to whether the honourable senator is a member of our caucus is not, obviously, a part of the point of order. The decision as to who belongs to a caucus is that of the

caucus and not of the Speaker or of the table officers. I am quite sure that the other side will agree readily with me on this matter.

• (1610)

If one wished to become member of the Liberal caucus and his or her name is added to the Liberal caucus membership, the only way his or her name can be removed is if he or she puts it in writing to the Speaker. I am quite sure the other side would not want the Speaker to be the deciding officer as to whether one belongs to a caucus or not.

Caucus alone makes a caucus decision and I think that has to be resolved quickly. It is not a question of an individual member saying I wish to continue having my name in a caucus and for the Speaker of the Senate to decide whether that is the case or not.

Honourable senators, I think I have made my point. This is not a valid point of order. I believe that we should have a ruling on this matter.

The Hon. the Speaker *pro tempore*: Are there any other senators who wish to speak on the point of order?

Senator Cools: I would like to respond.

I thank the Honourable Senator Comeau for his remarks. The only problem is that his remarks did not address anything that I raised. All that the honourable senator has established is that someone in my office did not open an email.

I would like to say something about this, honourable senators. I have never sent an email in my life, neither have I ever processed one. Senator Comeau's statement that I, Senator Cools, opened emails or that I did not do this or that I did not do that is irrelevant. I made that point clear yesterday. I said there could be a mistake, and I will ask my staff to check again. However, all of that is immaterial at this late stage because the leaders on the other side have a habit of obfuscating issues by mixing the formal and the informal. Our system operates by an elaborate set of processes and proceedings; and alongside those, there are some informal ones.

The honourable senator may say that sending an email is a part of a process, but the real process as I tried to say before, and I thought I was crystal clear in saying, is that the only legal obligation — not personal obligation, not social obligation — that I was owed would have been direct communication with me from the chairman, Senator Segal, who was charged by order of this Senate to do so.

Besides, I was out of the country in the period of time leading up to our return. In any event, that responsibility cannot be overlooked and cannot be slighted away by any reference to what Canada Post declares or does not declare to be legitimate. Within the context of Parliament, which this is, and within the concept of Senate orders, that application is lame.

Honourable senators, I am going to say it again. I know of no email. I shall go back to my office and I shall inquire again, but it is still irrelevant. That is a red herring that is being passed around here by a senator who should know better; it mixes the formal and the informal processes.

Honourable senators, I have been clear that I was not asking the Speaker of the Senate to rule or to become involved in any business of membership in Senate caucus. The question concerns what Senator Segal said, questions related to him as chairman about the whole business of my treatment by the committee or the absence of treatment. That is what I was hoping we would get some clarification on.

Honourable senators, Senator Comeau has proved my point. He has proved that I never saw or heard or received an email. My office may have, but even that I still have to prove.

Second, the important point is that the committee, as did the chairman, still had a responsibility. Honourable senators, a little bit of courtesy could have dealt with the matter. For years around here, if you think somebody has forgotten or a senator is missing a vote, you run and you fish the senator out.

However, the real question that still remains for Her Honour to answer, which that side is not responding to, is the business of the affirmation of my relationship to the table. That is one of the unique constitutional questions that I was seeking an answer to.

Honourable senators, life is full of tragedies, and there are many ways to deal with many issues. I just want to say that in my view, Senator Comeau has proved my point, because he has totally avoided my constitutional and parliamentary questions.

The parliamentary question that I raised was that the committee itself, as embodied in its chairman, owed me a duty to canvass me.

Senator Comeau: We have heard this argument four times now.

Senator Cools: That did not happen, and I do not view an email as a canvass; because if the email failed, as it did, the chairman still has a responsibility. Also, honourable senators, I still never saw that email, and that is the end of it.

The Hon. the Speaker pro tempore: Senator Cools, our rules allow that when the Speaker feels that the chair has heard enough to make a decision, it can.

Since last Tuesday night when you talked about the nominations, when the committee report was given out, I have looked at the rules. What we have now in front of us is the report. The dispute is over the nominations of the people who are on the committee. This report can be amended. I declare that there is no point of order.

Hon. Percy Downe: Question?

Senator Cools: I rise to speak to this report.

The Hon. the Speaker pro tempore: The debate is on the report of the Committee of Selection.

I will recognize Senator Downe, who has asked for a question.

Senator Downe: Your Honour, can someone from the government inform me why there is not a standing senate committee on veteran's affairs?

The Hon. the Speaker pro tempore: The Standing Committee on Rules, Procedures and the Rights of Parliament makes that decision.

Senator Comeau: Yes, and there is no Rules Committee right now.

Senator Downe: For clarification, somebody is presenting the report. Can they not speak to the report? Can they not defend the report — and who is that?

Senator Comeau: Adjourn it if you are not happy with it.

The Hon. the Speaker pro tempore: Are there any other questions on the report of the Senate Committee of Selection?

Senator Downe: I will adjourn the report in my name.

The Hon. the Speaker pro tempore: Honourable senators, it is moved by the Honourable Senator Downe, seconded by the Honourable Senator Moore, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: All those in favour of the motion to adjourn will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the nays have it.

A question has been asked on the second report of Senate Committee of Selection.

• (1620)

Senator Cools: Honourable senators, I rise to speak to the second report of the Senate Committee of Selection presented by Senator Hugh Segal. This report names the senators recommended for membership on Senate committees. Membership on committees is a vital and important function of a senator, which carries with it the right to participate in committee debate, to question witnesses and to vote in committee proceedings. By its adoption, this second report becomes an order of the Senate, and the part of the law of parliament by which the Senate operates. This law authorizes some senators and prohibits others, particularly myself, from membership on Senate committees.

The grounds for my treatment have not been put before the Senate and have not been revealed to me, a senator barred from committees. I have been given no opportunity to answer or defend myself. This treatment is unacceptable.

Honourable senators, this report bars me from committee memberships for reasons that are unconstitutional, unparliamentary and unfair. This report offends the principles of equity, due process and fair dealing. It is the progeny of arbitrariness. Its treatment of me as a senator offends natural justice. Consequently, I will not support its adoption.

In my objection today, I shall also condemn the high-handedness of the Senate government leaders in removing my place from the front bench of this house without discussion with me and without my knowledge. They have moved me to a most undesirable seat from which it is extremely difficult to be seen and heard. I oppose this policy of intimidation, duress and subjugation. The policy of the Senate government leaders towards me is not based in the law and the Constitution, which eschew arbitrariness and seek to limit excess, abuse of power and violation of members of parliament. Their policy is based in human weakness and mean-spiritedness.

Honourable senators, I am Canada's first Black senator, North America's first Black female senator and a senior member of parliament. By Senate precedence, I am a senior and seasoned senator with much experience, skill and learning. Further, I hold significant public support and respect as a Black public woman. In contrast to being barred from committee membership, I should have first choice at committees, and should hold some rank, such as a committee chair. As a Black senator, I do not agree with this capricious and high-handed treatment. By this, the government shackles my independence, my political and juridical independence guaranteed by the Constitution, which I, as all here, am sworn to uphold and defend.

The government's capricious actions reveal a misunderstanding and a misstatement of party discipline. Party discipline is based on the independence of members of Parliament and cannot impair, imperil or prevent critical thinking. Intelligence and free speech are the foundation of Parliament and debate.

Honourable senators, there has been something strange and mysterious at work. Perhaps it was something in the air. It appears that some mysterious beings have wanted to obtain ends that they have decreed for me. They wish to extract decisions from me that I simply would not make. It is as though I have been cloned and that these Senators Cools clones make decisions about me, pretending they are my decisions.

Parliament Hill was alive with Senator Cools clones running about hither and thither resigning me from all manner of Senate memberships and activities.

Honourable senators, in the meeting of the Standing Senate Committee on National Finance on September 26, 2006, Senator Terry Stratton, the Conservative caucus whip, resigned me as the deputy chair of that committee. The National Finance Committee proceedings, Issue 3, at page 3:37 reads:

Senator Stratton: I want to inform the committee that Senator Cools has decided to step down from her duties as vice-chair of this committee and work on this committee for the interim. I therefore, want to propose Nancy Ruth as vice chair.

Honourable senators, I did not resign or step down as deputy chair or as a member of that committee. I did not take those decisions. I did not give Senator Stratton any authority to do what he did, nor did I know what he was doing. Senator Stratton presented no resignation letter from me to the Senate Finance Committee, and the committee did not ask him for one. Senator Stratton must have been in contact with a Senator Cools clone.

Honourable senators, this audacious, invasive and arbitrary practice of resigning me was pressed into service again. On June 22, 2007, shortly after the Senate had adjourned for the summer and after I had left the office, Senate Conservative caucus chair David Tkachuk, by letter hand-delivered to my office, resigned me from the Senate conservative caucus. His letter, really a guise of a letter to me, was intended for wide distribution. He wrote:

Dear Senator Cools:

As Caucus Chair, I am writing you regarding your status in Caucus.

Your vote against the Conservative Government's budget bill (C-52), —

— which I didn't do, anyway —

— along with a number of other government bills, is only the latest indication that you are no longer in agreement with the philosophy and direction that the Party has chosen.

Helping me toward this conclusion is your general disposition toward Caucus: You have not paid your dues nor have you attended a meeting since October 31, 2006. By all indications you are no longer interested in being a member of our Caucus.

As of today, I will consider your withdrawal official. I will advise the Caucus accordingly.

Sincerely,

David Tkachuk

This letter was cc'd to: Honourable Marjory LeBreton, Senate Government Leader; Deputy Government Leader Gerald Comeau, and Government Whip Terry Stratton.

Honourable senators, caucus membership is not based on any payment of membership fees. "Caucus dues" is his term for lunch monies. Further, Senator Tkachuk, a non-government member, wants me to believe that he could act solo on behalf of the government to put me out of the Conservative caucus. Honourable senators, the dreaded clones have struck again. Someone is making these decisions.

Honourable senators, this novel practice of resigning me, by now a bad habit, was pressed into service yet again, for a third time. Eager to join the "resigning me parade," National Conservative caucus chair, Rahim Jaffer, jumped aboard the parade float and resigned me from the national caucus. On June 22, shortly after Senator Tkachuk's letter, my office received Mr. Jaffer's email to all Conservatives. He or his staff wrote:

Colleagues,

Please be advised that Senator Anne Cools is no longer a member of the National Conservative Caucus, effective immediately. For more information, please see attached letter from Senator Tkachuk's office.

Should you have any further questions, please feel free to contact the National Conservative Caucus Chair's office.

Honourable senators, clearly these three individuals, all Conservatives, unwilling or unable to obtain resignation letters from me, simply took matters into their own hands and executed the tasks themselves. It is settled parliamentary law that no senator can resign or retire another senator from the Senate or from any Senate body.

About the Senator Cools clones, I am the only person who can speak for Senator Cools — no one else can. All clones should evaporate. My resignations will always be under my own hand. Any decisions that imitate, mime or feign resignations from me are most improper, calculated and egregious.

Honourable senators, my membership in the Senate Conservative caucus was a decision of one man alone, Mr. Stephen Harper. Caucus chairs, Senate and national, simply have no role in deciding caucus membership, particularly mine. Caucus chairs are like shop stewards, the union representatives, intended to look after members. They are not the government's men. I do not accept the propriety or the legality of any feigned or mimed resignations in my name, intended to achieve the goal of my expulsion while creating the appearance that I had quit. Some Conservatives clearly wanted me out of their caucus, but were unwilling to sit down with me face to face and come to an agreement to part company. Wanting me gone, but reluctant to take the responsibility for such an expulsion, they contrived to mime, to imitate, to feign my resignation, causing it to sound and appear that I had quit.

However, I do accept, based on the strong evidence that I am unwanted in that caucus. I have simply been deleted, excised and abolished with no discussion with me.

Honourable senators, the human condition is perplexing. Many have pondered and prayed on its paucity. Human beings in positions of power frequently substitute their own partial interests for those of the public and are able to convince themselves of their own righteousness, justified by self-created reasons. The lust for power described by St. Augustine as the *libido dominandi* is a voracious human impulse, ready to devour anything and everyone in its path. Encounters with power indicate the measure of men and women. On this, Jacques Guillet, famous for his work on discernment and the journey of the human soul, said:

Finally, there is the darkness in man himself who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them.

The human psyche is an artful dodger. Often human beings do not know what is in their own hearts, or the pain and damage they inflict on their brethren. That is the mystery of life. The Senate government leaders' attempts to impair my ability to contribute to this place and to the public discourse are as obvious and as transparent as they are heavy-handed and despotic.

Honourable senators, all senators are equal. The first principle of the law of Parliament is the protection of individual members from violation, intimidation and coercion in their parliamentary work, particularly from crown servants and ministers. Each member is inviolate. Senators and members owe loyalty, justice and industry to each other and to their leaders to the same degree as those leaders owe these duties to the members, but they do not owe allegiance. Allegiance is owed to the Queen and to God, but not to the Queen's servants, the ministers. Over the years, I have given with all my heart unflinching loyalty and faithfulness to colleagues, leaders and prime ministers, but I have not given allegiance. As a public woman who is Black, I have given generous, heart-felt public service to the people of this country.

• (1630)

Honourable senators, service is different from servitude. Some Conservative leaders falsely maintain that they are owed and can command a duty unquestionable obedience from their members supporters. This kind of obedience is an aspect of master-servant relationships but it is not an aspect of a caucus relationship. A caucus relationship is a collegial one. I give service but not servitude. I maintain that a master-servant relationship is not part of a relationship between parliamentary leaders and supporters, nor between members, ministers and Crown servants.

Due to my upbringing in the British West Indies, a plantation society founded on slavery, and because of the experience of the Caribbean Black people, particularly the free coloured peoples from which I am descended — and their historic opposition to indenture and their noted commitment to public service and responsibility, I hold that a master-servant relationship in any form is not healthy to good governance and is anathema. Members of Parliament are morally and politically bound to apply their intelligence and full critical process to every measure before them.

I was raised in the strictest adherence to the constitutional principles in Barbados, which since 1639, has had a legislative assembly that is the oldest outside of England, and older than any in Canada. Honourable senators, my parliamentary roots are old, long and deep.

In closing, I note that my perspective was formed by my culture, my race and my education in the British intellectual tradition of criticism and self-criticism. This is my persona which, just like my skin colour, is the very essence of my being. No senator is any senator's master. No senator is my master, and I am the servant of none.

Debate in both Houses and the caucuses should be in accordance with well-understood principles and should proceed by the force of intelligence, the force of conviction and the force of moral character for the public good. Suasion and persuasion, not force and coercion, are the cornerstones of good human and political relations, which are vital to the healthy performance of party caucuses. An old maxim holds that a government only functions as well as its party caucus. The protection of Parliament's members to speak freely in debate is the first constitutional duty of every government.

Honourable senators, I object strongly that this report excludes my name and my committee membership from the proposed composition of Senate committees. The moral position of the government in denying me the right to serve on committees is

unjustifiable. The government's ruthlessness and recklessness is indefensible. The Constitution does not countenance that any senator or member of Parliament be a supplicant to any leader or to any government.

Honourable senators, I thank you for your attention and, needless to say, I shall be voting against this report.

Some Hon. Senators: Question!

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Debate?

Hon. Tommy Banks: I understand the issue of time constraints but I have to speak even though I have not yet formulated what I want to say. I believe that from time to time I have annoyed people in this chamber. There is no senator among us who does not have foibles and that in all probability, has not annoyed another senator. I include myself in that group and I, with respect, include even you, Senator Day.

Senators may remember that I was among those who argued that independent senators, as I gather Senator Cools now is, should not be excluded from participation in committees. Perhaps there were not many independent senators at that time but they were not ever appointed to committees. I argued against that because I believed then as I believe now that every senator should have the duty, obligation and privilege of serving on a Senate committee. I do not think that anyone here would argue with that.

I am worried by a failure to respond to a request for preference of sitting on committees would result in that senator not being a member of a committee. I do not think that is right. Wherever the obligation resides to fix that, I think that it should be fixed.

I think we all want to proceed in respect to this report as quickly as we possibly can so that we can get on with the business of this place. I would urge Senator Comeau and the leadership on our side to find a way, forthwith, to amend this report. Senator Stratton, I am not proposing an amendment now because I understand the time pressures. However, I urge you and our leadership to find a way to redress this shortfall.

To restate it most carefully, I do not believe that a failure to respond to a request for preference should, by definition, mean that a senator will not be assigned to a committee. We do not all get to be on our preferred committees; some of us are assigned to other committees. I think that every senator has the right to serve on a committee of the Senate and I urge our leadership to make that so.

I will vote for this motion but I apologize — I had to make that point because I do not think there is a good enough reason for Senator Cools to not be on a committee.

Hon. Nick G. Sibbeston: I am sympathetic to Senator Cools in terms of her being on and being involved with a committee. She was once part of the Liberal caucus and I have seen that she contributes greatly to the discussions. Occasionally, she does not agree; our views and hers are not always the same, but nevertheless we should be able to express ourselves and have differences. That is the nature of this Senate.

I find this whole business of political party and partisanship new. I come from the North, which is not steeped in political partisanship. We do not have that culture of parties. We come

from a life where we are judged on our own merit, and we are completely free to say what we want.

During my 60 years as a politician, I was able to say things that were often contrary to the status quo. That is the only way to make progress. People do not make progress by writing nice letters and standing, following the leader, without thinking. Progress is made by challenging the status quo. Senator Cools does that sometimes and within our system that can be seen as bad, or not faithful or going according to what she ought to. For these reasons, I am sympathetic with Senator Cools today.

• (1640)

I see the logic in what she wants. She would like a human element, someone to meet with her. It seems as if the leadership on the other side is not willing to do that. The leadership ought to meet with her instead of sending emails and writing letters that are formal. Why not meet with her face-to-face? Is that difficult to do? Is the leadership not able to do that? Can the leadership not meet with her?

Some Hon. Senators: Question!

Senator Sibbeston: Do honourable senators want me to speak for another 15 minutes? Honourable senators on the government side are impatient. They cannot stand anyone that thinks differently from them. I think that is the nature of the Conservative Party. Discipline: Stand up or sit down as they are told.

Senator Stratton: I thought the honourable senator was non-partisan.

Senator Sibbeston: I am non-partisan. As one coming from the North, I see the government side as different. They are not generous. They are not kind. They are not well spirited at all. They cannot even deal with women. They do not have the heart to know how human it is to deal with a woman who wants to be dealt with properly. They are uncivil.

Senator Di Nino: The honourable senator's leadership should also deal with it.

Senator Sibbeston: We dealt with Senator Cools in our time, and she went to the other party hoping for a better reception. Can honourable senators not deal with her? This is what she asks. This is what it means to be human. Have a heart and deal with her. That is all she wants, the courtesy of being dealt with in a human way.

Therefore, I support Senator Cools, and I will do whatever I can to make it possible for her to be on a committee. She deserves to be. We are all senators from different parts of the country, and we all deserve to contribute. I will support her in any way I can.

[Translation]

The Hon. the Acting Speaker: Are honourable senators ready for the question?

The question now is: It was moved by the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., that the second report of the Selection Committee be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Will those honourable senators in favour of the motion please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Will those honourable senators opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: Would honourable senators agree to adopt the motion on division and not unanimously?

Three senators request a vote.

Order, please.

[English]

Senator Comeau: Five minutes?

Senator Sibbeston: One hour.

Senator Cowan: The honourable senator told me previously it could not be less than 15 minutes. I think 15 minutes would be appropriate.

[Translation]

Honourable senators, I cannot follow what is happening on the floor. I would like to know what we will do about the standing vote that was requested by three senators. Is there agreement between the whips on the length of the bell?

[English]

Senator Stratton: Fifteen minutes.

[Translation]

The Hon. the Acting Speaker: It is agreed that there will be a 15-minute bell.

Call in the senators.

• (1700)

[English]

Motion agreed to and report adopted on the following division:

YEAS THE HONOURABLE SENATORS

Banks
Campbell
Chaput
Cochrane
Comeau
Corbin
Cordy
Cowan
Day
Di Nino
Eggleton
Fairbairn
Goldstein

Hubley
Keon
LeBreton
Munson
Nolin
Oliver
Peterson
Poulin
Robichaud
Smith
Tardif
Trenholme
Counsell
Zimmer—26

NAYS THE HONOURABLE SENATORS

Cools
Downe

Sibbeston
Watt—4

ABSTENTIONS THE HONOURABLE SENATORS

Milne—1

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C.:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, pursuant to rule 85(1)(b), the committee be comprised of seven members, to be nominated by the Committee of Selection and that three members constitute a quorum;

That the Committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;

- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report no later than June 30, 2008, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Tkachuk, that the motion be amended by replacing the words "June 30, 2008" with "March 31, 2008" in the last paragraph.—(*Honourable Senator Tardif*)

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion, as amended, agreed to.

[*Translation*]

THE SENATE

MOTION TO STRIKE SPECIAL SENATE COMMITTEE ON ANTI-TERRORISM—DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition), pursuant to notice of October 30, 2007, moved:

That a Special Committee of the Senate be appointed to consider any matters relating to anti-terrorism that may be referred to it by the Senate from time to time;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Kinsella, Andreychuk, Nolin, Day, Fairbairn, P.C., Fraser, Jaffer, Smith, P.C., and Joyal, P.C., and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the papers and evidence received and taken on the subject by the Special Senate Committee on the Anti-terrorism Act during the First Session of the Thirty-Ninth Parliament be referred to the Committee

She said: Honourable senators, with this motion I am calling on the Senate to reinstate the Special Senate Committee on the Anti-terrorism Act. The committee did exemplary work during the last session and previous sessions of Parliament in its examination of the Anti-terrorism Act and on other legislative changes made in response to the events of September 11, 2001.

[*English*]

I want to assure all honourable senators that I am not moving this motion without due consideration. Frankly, this is an initiative that should have been taken by my friends opposite who have a responsibility to manage the government's legislative agenda.

What I am proposing mirrors the government's own public pronouncements about how the anti-terrorism file was dealt with in the Senate.

[*Translation*]

As you can see, honourable senators, the order of reference presented is almost identical to the one from the previous session. You will also notice that the composition of the committee is the same. We are proposing that the special committee comprise the same senators as the last session because those senators, in carrying out the committee work, have gained precious expertise and in-depth knowledge of the Anti-terrorism Act and the complex issues surrounding it. This great expertise of the committee members, on this complex matter, has even been recognized by certain members of the government.

[English]

Bill S-3 was introduced in the Senate on October 23 of this year by the government. When the Minister of Justice, Mr. Rob Nicholson, was asked by reporters why he was introducing the bill in the Senate instead of the other place, according to the *National Post*, he replied that it was because the Senate had conducted an exhaustive review of the anti-terrorism regime and was knowledgeable on the subject.

Mr. Nicholson's assessment of the expertise that can be found in the Senate on the subject of anti-terrorism mirrored the reviews of his immediate predecessor at the Department of Justice, Mr. Vic Toews, who, when testifying before our Special Senate Committee on the Anti-terrorism Act on June 12, 2006, said:

...one cannot help but be impressed by the level of experience that you have acquired since 2001 on the Anti-terrorism Act, as well as the attention you have given the subject in many meetings, having heard from an impressive number of witnesses, both domestic and international. We, and Canadians, are in your debt.

• (1710)

At that same meeting, the Minister of Public Safety, Mr. Stockwell Day, said:

Your work has been helpful and will continue to be so. We look to this committee for the expertise, the advice, and the proper challenge that you will present to us so that we can ensure that our country fulfills what I believe and our Prime Minister believes to be the first responsibility of any government — the safety and security of its citizens.

[Translation]

During its deliberations, which began in February 2005, the special committee heard from over 100 individuals, associations and organizations, as well as several important ministers. The committee conscientiously examined every angle of every issue related to the Anti-terrorism Act, and produced 40 recommendations.

In February 2007, the Special Senate Committee on the Anti-terrorism Act produced its main report, entitled *Fundamental Justice in Extraordinary Times*. The committee's report was the result of a serious, thorough, long-term study of a very complex issue.

In addition to having considerable expertise on the subject, the special committee has the advantage of being able to devote all of its energy and attention to a detailed examination of Bill S-3 when the time comes.

I have a hard time understanding why my colleagues on the government side would not want to take advantage of our senators' expertise on the subject, particularly since their own colleagues and ministers have said that this is one of the reasons why Bill S-3 was introduced in the Senate.

I have an even harder time understanding the logic behind this, given that the government made sure it included some of the recommendations made by the Special Senate Committee on the Anti-terrorism Act in Bill S-3.

Are they not interested in benefiting from the advice and recommendations of the very senators who made those recommendations in the first place?

[English]

In the normal course of things, the opposition usually defers to the choice of a government about where to send government legislation following second readings. However, that deference is not absolute and certainly should not take precedence over basic common sense and logic.

In this case, common sense tells us that we should take advantage of the knowledge in our midst and turn to the members of our chamber who have been studying this critical issue for many years, so that we may seek their wise counsel on this important matter.

Therefore, it is in this spirit that I urge all honourable senators to support this motion and to support the reconstitution of the Special Senate Committee on the Anti-terrorism Act.

Some Hon. Senators: Hear, hear.

Hon. David P. Smith: Honourable senators, I had not intended to speak to this today, but let me just make a few comments.

I was intrigued when the government chose to bring back the package in response to the anti-terrorism issues in two separate matters, one being Bill C-3 and the other Bill S-3. In other words, it was the same subject matter but half went here and half went to the other place.

Honourable senators will recall that in February the Supreme Court of Canada came out with a ruling which said that two of the matters that were part of the anti-terrorism package that had been introduced after 9/11 were in conflict with the Charter. The Supreme Court gave Parliament a year to deal with the issue. I should point out that our committee predicted that. Our committee heard from many witnesses. We came out with a report of 140 pages, that contained 40 recommendations, and we predicted those two things literally the day before the Supreme Court came out with their decision.

On the subject matter of anti-terrorism, I find it refreshing when this chamber is able to deal with these issues in a non-partisan manner, which is virtually impossible in the other place. It is fair to say that all the recommendations in our report were developed through consensus. Each side gave a little here and there, but we developed a consensus and the report was unanimous.

It is also interesting that our committee supported a three-year extension of the sunset clauses. A few months earlier in the other place, they had come out in favour of a five-year extension, and their report was about one page. Our report was much more thorough. That recommendation was part of a package in which, when we said we were in support of the three-year extension to the sunset clauses, we thought there should be some other changes. However, those were the changes that were in response to the very issues with which the Supreme Court of Canada was dealing.

Therefore, I believe it is fair to say that when this chamber comes under attack from various sources, one of the frustrating things for those who have had the good fortune to serve in both

places — and as a general rule there are always exceptions — is that the committee work done here rarely takes second place to the committee work done in the other place. What happened in this instance was a good example of that.

I close my remarks by saying that I trust these comments will be heard and duly considered in the decision that our colleagues on the other side will make.

MOTION IN AMENDMENT

Hon. Nick G. Sibbeston: Honourable senators, I wish to make an amendment. Therefore, I move:

That the motion be amended, in the second paragraph, by increasing the number of members from nine to ten and by adding the name of the Honourable Senator Cools after that of the Honourable Senator Smith, P.C.

Senator Banks: I wish I had thought of that. Well done.

Senator Sibbeston: Honourable senators, we just had a debate about Senator Cools concerning her situation of not being on committees. This is the first opportunity we have had since then to rectify the situation. This is the reason for the amendment. I truly believe that every senator is entitled to be on a committee. While I have not spoken to Senator Cools as to whether she would like to be on this committee, judging by her interest in being on committees, I assume that she would be glad to be on a committee such as this. The fundamental reason for the amendment is that every senator ought to be on a committee.

I urge the leaders of both sides of the house to work cooperatively to review whatever it is that makes it difficult for independents, people such as Senator Cools, to be on committees. The attitudes should change so that every senator is on a committee.

We are all given responsibility. We all come from different parts of the country with a view to making a contribution. During my time here, I have found that one of the best ways to contribute is through the committee system where the work is, where you really feel as a senator that you are doing good work and that you are doing your work as a senator. One does not have a great many occasions to speak in the chamber; committees are where the action is.

I move this amendment with the hope that it will be possible for Senator Cools to be on a committee.

• (1720)

Honourable senators, I urge both parties to come together to see if it is possible for a person such as Senator Cools to be on committees, so that no one is left out and no one feels that he or she is not making a contribution to the Senate.

I hope honourable senators will support this amendment because it is a good idea, and it is our first opportunity to have, in a sense, someone like Senator Cools on a committee.

I hope that people can be open-minded and open-hearted. The situation we saw this afternoon where Senator Cools was left off of committees was not good. It was not fair, and we should not have the kind of Senate where certain people are excluded. This chamber should be inclusive.

[Senator Smith]

For that reason, I make this amendment to see whether we can rectify the situation.

The Hon. the Speaker *pro tempore*: Are senators ready for the question on the motion in amendment?

Hon. James S. Cowan: With the greatest of respect, we are mixing apples and oranges here. Senator Cools has made a very impassioned plea to her colleagues in the Senate to be appropriately consulted and to be placed on committees that she might wish to be placed on, and it would be entirely appropriate for her to make her committee choices known to the government whip; I am sure that the government whip will take her views into account. We are always looking for qualified, active and energetic people to participate in the affairs of our committees.

I am sure that with some goodwill, an appropriate committee placement or placements can be found for Senator Cools.

Certainly, from this side, we are not trying to block, in any way, an appropriate committee assignment for Senator Cools, taking into account her wishes.

However, for the specific reasons that were mentioned by Senator Tardif and reinforced by Senator Smith, this is a special committee, and the reason the motion is made is to take advantage of the specialized knowledge that those committee members acquired in the course of their study.

With the greatest of respect to Senator Cools, to add a newcomer, even someone as experienced, intelligent and quick-learning as Senator Cools, to the mix would defeat the purpose of the motion, which is to entrust this sensitive and complex issue to people who have already studied it at great length and whose work has been lauded by at least two senior ministers in the government. The government, obviously, in respecting and understanding the quality of the work that was done in this place, introduced this bill in the Senate for precisely that purpose.

With the greatest of respect to Senator Sibbeston and Senator Cools, I suggest that the appropriate way to deal with Senator Cools' concern is not in this way but through an approach by Senator Cools to her colleagues in the Conservative caucus.

On motion of Senator Comeau, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Claudette Tardif (Deputy Leader of the Opposition), pursuant to notice of October 31, 2007, moved:

That Committees be authorized, pursuant to Rule 95(3)(a), to meet between Monday, November 5, 2007 and Monday, November 12, 2007, inclusive, for the purposes of holding organization meetings, even though the Senate may then be adjourned for a period exceeding one week.

She said: Honourable senators, as you will have noticed, this motion, if adopted, will simply allow Senate committees that so desire to hold their organizational meetings during the break. It does not require that the committees meet. This motion merely makes it possible for committees that so desire to hold their organizational meetings.

[English]

In discussions with my colleague opposite, and I would invite him to confirm my remarks, we felt that it was a good idea to let the committees wishing to do so be able to hold their organizational meetings, while ensuring that any such meeting to be held would reflect the needs of senators on both sides of the chamber.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): I entirely agree with my honourable colleague on the other side that we did, in fact, agree that any committees that wish to meet next week to hold their organizational meetings have the capacity to do so, with the provision that we had a slight concern that some committees might have some members who would have to travel huge distances to arrive in Ottawa for an organizational meeting.

With that in mind, we offer a safety valve by moving an amendment. Therefore, I move:

That the motion be amended by inserting, after the word "week" the words " , provided that both whips have given approval".

In this way, if the whips feel that the committee in question should not be meeting because of the distances, travel, cost and so on, that will not be done. However, if all the committee members do wish to travel to Ottawa to participate in the organizational meetings, I am sure the whips would be sympathetic to providing that permission. That gives us a safety valve in the event that some members might not wish to travel to Ottawa.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion as amended?

Motion agreed to, as amended.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 13, 2007, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 13, 2007, at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(November 1, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Revenue
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. Jim Prentice	Minister of Industry
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Foreign Affairs
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of Canadian Heritage, Status of Women and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)
The Hon. Diane Ablonczy	Secretary of State (Small Business and Tourism)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 1, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Romeo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.
Bert Brown	Alberta	Kathym, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 1, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Brown, Bert	Alberta	Kathyrn, Alta.	Conservative
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuuujuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(November 1, 2007)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Pat Carney, P.C.	British Columbia	Vancouver
2 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
3 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
4 Mobina S.B. Jaffer	British Columbia	North Vancouver
5 Larry W. Campbell	British Columbia	Vancouver
6

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathryn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1		

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of November 1, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair:

Deputy Chair:

Honourable Senators:

Campbell,	Gill,	* LeBreton (or Comeau),	St. Germain,
Carney,	Gustafson,	Lovelace Nicholas,	Segal,
Dallaire,	* Hervieux-Payette (or Tardif),	Peterson,	Sibbeston.
Dyck,	Hubley,		

Original Members as nominated by the Committee of Selection

*Campbell, Carney, Dallaire, Dyck, Gill, Gustafson, *Hervieux-Payette, (or Tardif), Hubley, *LeBreton, (or Comeau), Lovelace Nicholas, Peterson, St. Germain, Segal, Sibbeston.*

AGRICULTURE AND FORESTRY

Chair:

Deputy Chair:

Honourable Senators:

Bacon,	Cowan,	* LeBreton (or Comeau),	Peterson,
Baker,	Fairbairn,	Mahovlich,	St. Germain,
Callbeck,	Gustafson,	Mercer,	Segal.
Carney,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Bacon, Baker, Callbeck, Carney, Cowan, Fairbairn, Gustafson, *Hervieux-Payette, (or Tardif), *LeBreton, (or Comeau), Mahovlich, Mercer, Peterson, Segal, St. Germain.*

BANKING, TRADE AND COMMERCE

Chair:

Deputy Chair:

Honourable Senators:

Angus,	Fitzpatrick,	* Hervieux-Payette (or Tardif),	Meighen,
Biron,	Goldstein,	* LeBreton (or Comeau),	Ringuette,
Cowan,	Grafstein,	Massicotte,	Tkachuk.
Eyton,	Harb,		

Original Members as nominated by the Committee of Selection

*Angus, Biron, Cowan, Eyton, Fitzpatrick, Goldstein, Grafstein, Harb, *Hervieux-Payette, (or Tardif), *LeBreton, (or Comeau), Massicotte, Meighen, Ringuette, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair:**Deputy Chair:****Honourable Senators:**

Adams,	Cochrane,	Milne,	Sibbeston,
Banks,	* Hervieux-Payette (or Tardif),	Mitchell,	Spivak,
Brown,	Kenny,	Nolin,	Trenholme Counsell.
Campbell,	* LeBreton (or Comeau),		

Original Members as nominated by the Committee of Selection

*Adams, Banks, Brown, Campbell, Cochrane, *Hervieux-Payette, (or Tardif), Kenny, *LeBreton, (or Comeau), Milne, Mitchell, Nolin, Sibbeston, Spivak, Trenholme Counsell.*

FISHERIES AND OCEANS

Chair:**Deputy Chair:****Honourable Senators:**

Adams,	Cowan,	Johnson,	Robichaud,
Campbell,	Gill,	* LeBreton (or Comeau),	Rompkey,
Cochrane,	* Hervieux-Payette (or Tardif),	Meighen,	Watt.
Comeau,	Hubley,		

Original Members as nominated by the Committee of Selection

*Adams, Campbell, Cochrane, Comeau, Cowan, Gill, *Hervieux-Payette, (or Tardif), Hubley, Johnson, *LeBreton, (or Comeau), Meighen, Robichaud, Rompkey, Watt.*

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair:**Deputy Chair:****Honourable Senators:**

Corbin,	Downe,	* LeBreton (or Comeau),	Rivest,
Dawson,	* Hervieux-Payette (or Tardif),	Mahovlich,	Smith,
De Bané,	Jaffer,	Nolin,	Stollery.
Di Nino,	Johnson,		

Original Members as nominated by the Committee of Selection

*Corbin, Dawson, De Bané, Di Nino, Downe, *Hervieux-Payette, (or Tardif), Jaffer, Johnson, *LeBreton, (or Comeau), Mahovlich, Nolin, Rivest, Smith, Stollery.*

HUMAN RIGHTS

Chair:

Deputy Chair:

Honourable Senators:

Andreychuk,	Jaffer,	Lovelace Nicholas,	Pépin,
Dallaire,	Kinsella,	Munson,	Poy.
* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Oliver,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Dallaire, *Hervieux-Payette, (or Tardif), Jaffer, Kinsella, *LeBreton, (or Comeau),
Lovelace Nicholas, Munson, Oliver, Pépin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair:

Deputy Chair:

Honourable Senators:

Comeau,	Goldstein,	Massicotte,	Robichaud,
Cook,	* Hervieux-Payette (or Tardif),	Nancy Ruth,	Stollery,
Cowan,	Jaffer,	Phalen,	Stratton.
Downe,	Kinsella,	Prud'homme,	
Furey,	* LeBreton (or Comeau),		

Original Members as nominated by the Committee of Selection

*Comeau, Cook, Cowan, Downe, Furey, Goldstein, *Hervieux-Payette, (or Tardif), Jaffer, Kinsella,
LeBreton, (or Comeau), Massicotte, Nancy Ruth, Phalen, Prud'homme, Robichaud, Stollery, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair:

Deputy Chair:

Honourable Senators:

Andreychuk,	Di Nino,	Joyal,	Oliver,
Baker,	Fraser,	* LeBreton (or Comeau),	Stratton
Bryden,	Furey,	Milne,	Watt.
Carstairs,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Carstairs, Di Nino, Fraser, Furey, *Hervieux-Payette, (or Tardif), Joyal,
LeBreton, (or Comeau), Milne, Oliver, Stratton, Watt.

LIBRARY OF PARLIAMENT (Joint)**Joint Chair:****Honourable Senators:**

Lapointe, Murray	Oliver,	Rompkey,	Trenholme Counsell.
---------------------	---------	----------	---------------------

*Original Members agreed to by Motion of the Senate
Lapointe, Murray, Oliver, Rompkey, Trenholme Counsell.*

NATIONAL FINANCE**Chair:****Deputy Chair:****Honourable Senators:**

Biron, Cowan, Day, De Bané,	Di Nino, Eggleton, * Hervieux-Payette (or Tardif), * LeBreton (or Comeau),	Mitchell, Moore, Murray,	Nancy Ruth, Ringuette, Stratton.
--------------------------------------	---	--------------------------------	--

*Original Members as nominated by the Committee of Selection
Biron, Cowan, Day, De Bané, Di Nino, Eggleton, *Hervieux-Payette, (or Tardif), *LeBreton, (or
Comeau), Mitchell, Moore, Murray, Nancy Ruth, Ringuette, Stratton.*

NATIONAL SECURITY AND DEFENCE**Chair:****Deputy Chair:****Honourable Senators:**

Atkins, Banks, Day,	* Hervieux-Payette (or Tardif), Kenny, * LeBreton (or Comeau),	Meighen, Moore, Nancy Ruth,	Tkachuk, Zimmer.
---------------------------	--	-----------------------------------	---------------------

*Original Members as nominated by the Committee of Selection
Atkins, Banks, Day, *Hervieux-Payette, (or Tardif), Kenny, *LeBreton, (or Comeau), Meighen, Moore,
Nancy Ruth, Tkachuk, Zimmer.*

OFFICIAL LANGUAGES

Chair:

Deputy Chair:

Honourable Senators:

Champagne,	De Bané,	* Hervieux-Payette (or Tardif),	Murray,
Chaput,	Goldstein,	* LeBreton (or Comeau),	Tardif.
Comeau,	Harb,	Losier-Cool,	

Original Members as nominated by the Committee of Selection

*Champagne, Chaput, Comeau, De Bané, Goldstein, Harb, *Hervieux-Payette, (or Tardif), *LeBreton, (or Comeau), Losier-Cool, Murray, Tardif.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair:

Deputy Chair:

Honourable Senators:

Andreychuk,	Cordy,	Joyal,	McCoy,
Angus,	Fraser,	Keon,	Robichaud,
Brown,	Furey,	* LeBreton (or Comeau),	Smith.
Champagne,	Grafstein,	Losier-Cool,	
Corbin,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Andreychuk, Angus, Brown, Champagne, Corbin, Cordy, Fraser, Furey, Grafstein, *Hervieux-Payette, (or Tardif), Joyal, Keon, *LeBreton, (or Comeau), Losier-Cool, McCoy, Robichaud, Smith.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair:

Honourable Senators:

Biron,	Cook,	Harb,	Nolin,
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, Cook, Eyton, Harb, Moore, Nolin, St. Germain.

SELECTION

Chair: The Honourable Senator Segal

Deputy Chair: The Honourable Senator Cowan

Honourable Senators:

Bacon,	Fraser,	Nancy Ruth,	Stratton,
Cowan,	* Hervieux-Payette (or Tardif),	Robichaud,	Tkachuk.
Fairbairn,	* LeBreton (or Comeau),	Segal,	

Original Members agreed to by Motion of the Senate

*Bacon, Carstairs, Cowan, Fairbairn, Fraser, *Hervieux-Payette, (or Tardif), *LeBreton, (or Comeau), Nancy Ruth, Segal, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair:

Deputy Chair:

Honourable Senators:

Brown,	Cook,	* Hervieux-Payette (or Tardif),	Munson,
Callbeck,	Cordy,	Keon,	Pépin,
Champagne,	Eggleton,	* LeBreton (or Comeau),	Trenholme Counsell.
Cochrane,	Fairbairn,		

Original Members as nominated by the Committee of Selection

*Brown, Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, *Hervieux-Payette, (or Tardif), Keon, *LeBreton, (or Comeau), Munson, Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair:

Deputy Chair:

Honourable Senators:

Adams,	Fox,	Mercer,	Phalen,
Bacon,	* Hervieux-Payette (or Tardif),	Merchant,	Tkachuk,
Dawson,	Johnson,	Oliver,	Zimmer.
Eyton,	* LeBreton (or Comeau),		

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Dawson, Eyton, Fox, *Hervieux-Payette, (or Tardif), Johnson, *LeBreton, (or Comeau), Mercer, Merchant, Oliver, Phalen, Tkachuk, Zimmer.*

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(2nd Session, 39th Parliament)

Thursday, November 1, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18							
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30							
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30							
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17							
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23							
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30							
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31							

PRIVATE BILLS

[illegible]

CONTENTS

Thursday, November 1, 2007

	PAGE		PAGE
SENATORS' STATEMENTS			
Remembrance Day		Health	
Hon. Marjory LeBreton	142	Funding for Canadian Hospice Palliative Care Association.	
Manitoba		Hon. Marilyn Trenholme Counsell.	146
Winnipeg—Third Annual Nygård for Life		Hon. Marjory LeBreton	147
Pink and White Charity Ball.		Visitors in the Gallery	
Hon. Rod A. A. Zimmer	142	The Hon. the Speaker <i>pro tempore</i>	147
Centres of Excellence		Public Safety	
Hon. Wilbert J. Keon.	142	Border Services Agency—Crossing Delays—	
Women's History Month		Possible Referral to Committee.	
Hon. Céline Hervieux-Payette	143	Hon. Jeremiah S. Grafstein	147
Grosse Île Island Immigration Centre		Hon. Marjory LeBreton	147
Hon. Pat Carney	143	Finance	
The Honourable Bill Rompkey, P.C.		Saskatchewan—Equalization Payments.	
The Honourable Peter A. Stollery		Hon. Robert W. Peterson	148
The Honourable Francis Fox, P.C., Q.C.		Hon. Marjory LeBreton	148
Congratulations on Thirty-fifth Anniversaries		Industry	
of Election to Parliament.		Support for Manufacturing and Forestry Sectors.	
Hon. Dennis Dawson	144	Hon. Lise Bacon	149
Remembrance Day		Hon. Marjory LeBreton	149
Hon. David Tkachuk	144	Finance	
<hr/>			
ROUTINE PROCEEDINGS			
Defence Construction (1951) Limited		Library of Parliament	
2006-07 Annual Report Tabled.		Scrutiny of Regulations	
Hon. Gerald J. Comeau	145	Membership of Joint Committees—Message from Commons.	
Citizenship and Immigration		The Hon. the Speaker <i>pro tempore</i>	150
2006-07 Annual Report Tabled.		<hr/>	
Hon. Gerald J. Comeau	145	ORDERS OF THE DAY	
Departmental Performances		Canada-United States Tax Convention Act, 1984 (Bill S-2)	
2006-07 Annual Reports Tabled.		Bill to Amend—Second Reading—Debate Continued.	
Hon. Gerald J. Comeau	145	Hon. James S. Cowan.	151
The Senate		Speech from the Throne	
Notice of Motion to Authorize Internal Economy, Budgets and		Motion for Address in Reply—Debate Continued.	
Administration Committee to Study Policies in Order		Hon. Nick G. Sibbeston	151
to Reduce Greenhouse Gas Emissions.		Hon. Francis William Mahovlich.	154
Hon. Nick G. Sibbeston	145	Heritage Lighthouse Protection Bill (Bill S-215)	
<hr/>			
QUESTION PERIOD			
The Right Honourable Brian Mulroney		Second Reading—Debate Adjourned.	
Alleged Cash Payments—Judicial Inquiry.		Hon. Pat Carney	154
Hon. Céline Hervieux-Payette	145	Hon. Gerald J. Comeau	156
Hon. Marjory LeBreton	145	Hon. Terry Stratton	156
Secretary of State for Seniors		Kelowna Accord Implementation Bill (Bill C-292)	
Increase to Guaranteed Income Supplement.		Second Reading—Debate Adjourned.	
Hon. Marilyn Trenholme Counsell.	146	Hon. Larry W. Campbell	156
Hon. Marjory LeBreton	146	Committee of Selection	
		Second Report of Committee Adopted.	
		Hon. Anne C. Cools.	157
		Hon. Gerald J. Comeau	159
		Hon. Percy Downe.	161
		Hon. Tommy Banks	164
		Hon. Nick G. Sibbeston	164

PAGE

PAGE

The Senate	
Motion to Strike Special Committee on Aging Adopted.	
The Hon. the Speaker <i>pro tempore</i>	166
The Senate	
Motion to Strike Special Senate Committee on Anti-terrorism—	
Debate Adjourned.	
Hon. Claudette Tardif	166
Hon. David P. Smith	167
Motion in Amendment.	
Hon. Nick G. Sibbeston	168
Hon. James S. Cowan.	168

Business of the Senate	
Committees Authorized to Meet During Adjournment	
of the Senate.	
Hon. Claudette Tardif	168
Motion in Amendment.	
Hon. Gerald J. Comeau	169
Adjournment	
Hon. Gerald J. Comeau	169
Appendix i	
Progress of Legislation i	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 10

OFFICIAL REPORT
(HANSARD)

Tuesday, November 13, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, November 13, 2007

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

REMEMBRANCE DAY

Hon. Elizabeth Hubley: Honourable senators, this past Sunday, November 11 Canadians recognized Remembrance Day. Remembrance Day is a day when we can all focus our thoughts on the sacrifices that have been made in the name of Canada. It is a time to think of all those who responded to our nation's call and too often paid the ultimate price.

Ninety years ago the world was a very different place, and Canada's place in the world was changing radically. In 1917, Canadian forces led the successful attack on Vimy Ridge and endured the muddy horrors of Passchendaele. John Babcock and Gladys Powers were teenagers. John Babcock, who currently lives in Spokane, Washington, is the only living Canadian veteran of World War I. Gladys Powers, who currently lives in Abbotsford, British Columbia, served in the British Women's Royal Air Force and is the only known living female veteran of World War I in the world.

I encourage honourable senators to reflect on these final two living connections from this country to the First World War. These two veterans are among approximately 22 persons worldwide who have firsthand knowledge of serving in that war. Remembrance Day provides Canadians with the opportunity to pause, reflect and remember those who lost their lives in World War I and in subsequent wars, and those who continue to make sacrifices for us in the name of freedom.

VISIT OF DALAI LAMA

Hon. Consiglio Di Nino: Honourable senators, His Holiness the fourteenth Dalai Lama's historic four-day visit to Canada, which began on October 28, was a great success. On behalf of the Parliamentary Friends of Tibet, I wish to express my thanks to all parliamentarians from both Houses and to all parties who helped to make his visit such a successful one.

I was honoured to receive His Holiness at the airport, where he was welcomed by the Honourable John Baird Minister of the Environment, His Worship Mayor Larry O'Brien of the City of Ottawa, and several members of the diplomatic community.

• (1405)

[Translation]

A number of senators, members of Parliament and cabinet ministers had the opportunity to meet His Holiness on Parliament Hill following a speech by the Speaker *pro tempore* of the Senate, the Honourable Senator Rose-Marie Losier-Cool, and the Honourable Peter Milliken, Speaker of the House of Commons.

Furthermore, the mayors of two cities that raised the Tibetan flag during his visit were present: François Cantin, mayor of Blainville, Quebec, and Andy Wells, mayor of St. John's, Newfoundland, where the municipal council agreed to name a street after the Dalai Lama. His Holiness also had an opportunity to speak with the Honourable Stéphane Dion, Leader of the Official Opposition, Gilles Duceppe, leader of the Bloc Québécois, and Jack Layton, leader of the NDP.

[English]

For the first time, the Dalai Lama was publicly received by a Canadian Prime Minister, the Right Honourable Stephen Harper, in his Parliament Hill office. That historic event was followed by a meeting at Rideau Hall with Her Excellency Michaëlle Jean, Governor General of Canada. In doing so, they join German Chancellor Angela Merkel, U.S. President George W. Bush and others in delivering a clear message of solidarity with this remarkable man.

The warm and dignified welcome His Holiness received by our country's highest officials, as well as the media and, indeed, people across Canada was heartening.

[Translation]

During the visit, I had the privilege of spending some time with His Holiness. His visit has left me with a deep respect for his simple yet powerful message of compassion and universal responsibility.

[English]

At the two public talks in Ottawa and Toronto, the thousands in attendance in each city were visibly touched by this ambassador of peace.

As we bid His Holiness farewell and Godspeed, we can only hope and pray that his message resonates around the world for the benefit of all mankind. Let us also hope that one day he will be able to return freely to his place of birth, an occupied homeland he has not seen in more than 50 years.

REMEMBRANCE DAY

Hon. Joseph A. Day: Honourable senators, I also want to recall Remembrance Day, November 11. On November 2, Veterans' Week was officially launched with the annual Senate ceremony of remembrance. Those of you who had the opportunity to attend will agree with me that it was a beautiful and moving ceremony.

The ceremony was made all the more memorable by the participation of several gifted musicians, including the Canadian Forces String Ensemble, bagpiper Sergeant Bill MacDougall and bugler Corporal Ann Gregory. The Upper Chamber Chorus participated and we enjoyed the beautiful voice of Hélène Damphousse and fiddler Sierra Noble, who were also in attendance. During the ceremony, Minister Thompson delivered a very poignant speech and I thank him for sharing with us his experiences since becoming Minister of Veterans Affairs.

Honourable senators, Remembrance Day is a day to pay tribute to the past. It is an opportunity to show our respect and appreciation to all those who have made sacrifices so that we may sit here today to debate, to agree — and at times to disagree — and enjoy the privileges that come with living in a country that is, by and large, peaceful, prosperous and free.

However, Remembrance Day is a day to pay tribute not only to those who fought in World War I, World War II and the Korean War, but also to those who participate in all military actions by our Canadian Forces today.

I was distraught to read in the Auditor General's recently tabled annual report that we are falling short in meeting the mental health needs of soldiers returning from Afghanistan and their families. These men and women put their lives at risk for us and for our country on a daily basis. They have witnessed firsthand what most of us would not want to see in our worst nightmare.

The Auditor General's report found that soldiers' families are also not receiving the support they need. The parents, spouses and children of soldiers are under extreme stress, honourable senators. The government may not have a legal obligation to provide treatment to families of soldiers, but it certainly has a moral obligation to do so.

• (1410)

Given the demands of Canada's military missions, it is our obligation to ensure that our soldiers and their families are given the mental health care they need to help them recover from the traumas of war, peacekeeping and peace-making missions. I hope that we will respond to the Auditor General's findings in a constructive manner and do what is necessary to ensure that the necessary programs are in place and are adequately funded.

CANADIAN STUDENT DEBATING FEDERATION

Hon. Hugh Segal: Honourable senators, the Canadian Student Debating Federation is an organization of over 600 high schools from across Canada devoted to promoting and coordinating debate and public speech activities on issues affecting Canadians in both official languages. For the past 35 years, the federation has encouraged educational debating and public speech.

At its upcoming fall national seminar, students from all parts of Canada will be speaking to and debating aspects of climate change, consumerism and conservation. In connection with the national seminar, the CSDF has proclaimed the week of November 19 to 25, 2007 as Canadian National Debating Week and will be encouraging representatives of its member schools right across the country to debate subjects of importance to their schools, in their schools and in public places.

I am sure that honourable senators agree with me when I say that debate and public speaking are two of the most educational activities in which our youth can engage and reflect the core of our democratic principles.

I congratulate the Canadian Student Debating Federation on its 35 years of achievement and wish its President, Tanya Sturgeon, of Kelowna, B.C.; and its Executive Director,

Alex Morrison, of Cornwallis Park, Nova Scotia, continued success as they proceed with their efforts to expand debating and public speaking into ever more high schools. I encourage honourable senators to extend their best wishes at this time.

REMEMBRANCE DAY

Hon. Jane Cordy: Honourable senators, my father was a Canadian soldier in World War II. As the daughter of a veteran, I feel privileged to stand here in the Senate of Canada to honour a very special group of people. Last week we marked Veterans' Week, a time to pay tribute to the men and women who have served and who continue to serve our country so valiantly. Honourable senators, our military has played a pivotal role in our history and in the emergence of Canada as a nation.

I have had the privilege of serving as a member of the Standing Senate Committee on National Security and Defence and I have also served as Chair of the Canadian NATO Parliamentary Assembly. I have visited many military bases in Canada and I have had the opportunity to talk with many men and women in our Armed Forces. We are most fortunate to have such outstanding people protecting not only Canadians, but also others around the world who are living in turmoil and danger.

Honourable senators, I have had the opportunity to visit ISAF headquarters in Kabul, Afghanistan. From a personal perspective that was wonderful for me because I got to see my brother, Commander Charles MacKinnon, who was stationed with the NATO forces.

Every November we take time to remember the gallantry of our brave Canadian heroes, men and women, who have given their lives for the cause of freedom and peace. All our veterans ask is that we remember them. That is a very small request when measured against what they have given to our country.

November 11 is a time for Canadians to pause and reflect on Canada's history and also where Canada stands in the world today. It is a time to think about the men and women who have sacrificed their lives in the interest of our country.

While November 11 is a special time to focus on those who have sacrificed their lives for the values and freedoms we enjoy, we should always be mindful of the sacrifices our Armed Forces members are making for us each day.

The next time you see a member of our military, it would be a nice idea to say thanks.

COST OF POST-SECONDARY EDUCATION

Hon. Donald H. Oliver: Honourable senators, I rise today to comment on the effects of rising tuition fees faced by Canadian students from low- and middle-income families.

Honourable senators, on October 25 I met with two fellow Nova Scotians — two students, Ian Boyko and Kaley Kennedy — who were in Ottawa representing the student-administered non-governmental organization called the Canadian Federation of Students.

These student leaders explained their student organization's proposal for a new loan-grant program to replace Canada's prestigious Millennium Scholarship Foundation, which is set to expire in 2009. They would like to see a reorganization of education-related tax credits by Canada's new government.

• (1415)

The Canadian Federation of Students proposes redistributing the program's \$2 billion in scholarship grants into a mixed program. This proposal will tie student grants like those of the Millennium Scholarships to Canadian student loan programs rather than the current formula, which treats them separately. More importantly, this proposal does not require any increase in spending in the next budget.

One of the most important decisions young Canadians will make is the decision to attend a post-secondary institution. The second most important decision is to determine how to pay for this schooling, either by student loans or through years of saving. Therefore, rising tuition fees can offset years of financial planning and even studying. It is important that Canada develop highly skilled employees in order to cope with future challenges in a competitive global marketplace.

With the retirement of a large number of baby boomers in the coming decade, affordable education in Canada will be critical for meeting our labour demands in the future. Statistics Canada reports that students from low-income families are less than half as likely to participate in university as those from high-income families. One of the main causes in rising tuition fees, according to the Canadian Federation of Students, is the funding gap that has been growing since 1994 as a result of cuts by the previous federal government.

Honourable senators, the funding increase of 40 per cent for post-secondary education that Canada's new government outlined in Budget 2007 is aimed at ensuring that Canadians are the best educated, knowledgeable, and flexible workforce in the world. This increase of 40 percent means an additional \$800 million in annual support for post-secondary education, for a total annual transfer of \$3.2 billion to the provinces and territories by 2008-09.

[Translation]

ROUTINE PROCEEDINGS

CANADIAN FORCES PROVOST MARSHAL

2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 Annual Report of the Canadian Forces Provost Marshal.

[Senator Oliver]

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications, which outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 95.)

[English]

NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Colin Kenny: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Standing Senate Committee on National Security and Defence, which deals with expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 97.)

[Translation]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—FIRST READING

Hon. Pierrette Ringuette presented Bill S-219, to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection).

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Ringuette, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC AFFAIRS AND DEVELOPMENT COMMITTEE MEETING AND THIRD PART OF ORDINARY SESSION, JUNE 22 TO 29, 2007— REPORT TABLED

Hon. Francis William Mahovlich: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association regarding its meeting of the Committee on Economic Affairs and Development with representatives of the Organisation for Economic Co-operation and Development, and the third part of the 2007 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Paris and Strasbourg, France, from June 22 to 29, 2007.

THE SENATE

NOTICE OF MOTION TO TELEVISION PROCEEDINGS

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower House, be televised or otherwise audio-visually recorded so that those proceedings can be carried live or replayed on CPAC or any other television station or network at times that are convenient and accessible for Canadian taxpayers.

[Translation]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON CONTAINERIZED FREIGHT TRAFFIC AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on current and potential future containerized freight traffic handled at, and major inbound and outbound markets served by, Canada's

- i) Pacific Gateway container ports
- ii) east coast container ports and
- iii) central container ports and current and appropriate future policies relating thereto.

That the Committee submit its final report no later than March 31, 2008, and

That the papers and evidence received and taken and the work accomplished by the Committee on the subject since the First Session of the Thirty-Ninth Parliament be referred to the Committee.

[English]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON NATIONAL SECURITY POLICY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS PARLIAMENTS

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee report to the Senate no later than March 31, 2009 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

• (1425)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY VETERANS' SERVICES AND BENEFITS,
COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to members of the Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada;
- (b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and
- (c) the implementation of the recently enacted Veterans Charter;

That the committee report to the Senate from time to time, no later than March 31, 2009.

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Joseph A. Day: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Joseph A. Day: I give notice that, at the next sitting of the Senate, I will move:

[Senator Kenny]

That the Standing Senate Committee on National Finance be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In recent days, troubling facts have been reported in the media. The Prime Minister has now offered to appoint an independent adviser. Recently, the former Prime Minister, Brian Mulroney, called for a public inquiry.

Can the leader tell us what she would recommend to ensure that the Canadian public obtains full information on this matter?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The Prime Minister has just spoken on this in the House of Commons, and with her permission I will read into the record the announcement he has released.

On Friday I announced that I would be appointing an independent and impartial third party to review what course of actions may be appropriate given Mr. Schreiber's new sworn allegations. These allegations remain unproven and untested in a court of law and arose in a private lawsuit. There are however now issues that go beyond the private interests of the parties in the lawsuit.

• (1430)

Many have called for a public inquiry, including most recently, Mr. Mulroney.

Given the conflicting information and allegations (including what appears to be some conflicting information under oath) and the extended time period over which the events referred to in various documents and allegations surrounding this matter have occurred, I have decided to ask the third party to advise the government on appropriate terms of reference for a public inquiry.

If in reviewing material, the independent party finds any prima facie evidence of criminal action, he or she will identify this and advise how this should be handled and what impact, if any, it should have on the nature and timing of the inquiry.

A public inquiry is a major step and one that should only be taken when it addresses Canadians' interest, not those of the various parties, whether Mr. Schreiber, Mr. Mulroney or political parties. That is why it is important that we engage the necessary independent expertise and take the time to ensure that the terms of reference meet that test.

Hon. Lorna Milne: Honourable senators, on a point of procedure. Since the Honourable Leader of the Government in the Senate was obviously reading from a document, perhaps she would agree to table that document.

Senator LeBreton: I would be very happy to do so, honourable senators, in both English and French.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Hervieux-Payette: Honourable senators, the allegations in question are supported by documents that have been made public. I wonder whether the Prime Minister is just being careful — or rather, careless — by prolonging this issue in the public arena and, for all intents and purposes, preventing the Canadian public from finding out what really happened. I do not believe the independent investigator will hold public hearings, nor do I think the general public will be asked for input. This is going to be a private inquiry.

I think that the Leader of the Government should urge her leader to hold a public inquiry immediately and to get to the bottom of this issue now.

[English]

Senator LeBreton: Honourable senators, I think the honourable senator wrote that question before she heard my first answer.

The Prime Minister has made it very clear that we are turning to a third party to advise the government on the terms of reference of a public inquiry. There have been many allegations and innuendoes flying around over this matter, and when yet another allegation was brought forward in the form of a new sworn affidavit, the Prime Minister at that time indicated that he and the government would be seeking third-party advice. That is a prudent and valid manner in which to proceed.

As the Prime Minister stated in the document I just read, the government is simply seeking the advice of an independent third party to determine the terms of reference by which the public inquiry will take place.

Senator Hervieux-Payette: I find it very strange that the Prime Minister does not have any advisers in his office who could advise him about the proper course of action.

When will we have the report from the independent adviser?

Senator Oliver: The independent adviser has not even been appointed.

An Hon. Senator: Gomery turned us down.

Senator LeBreton: Honourable senators, the Prime Minister indicated that he would be acting very quickly. The Prime Minister is a man of his word, and he will be acting very quickly.

THE RIGHT HONOURABLE STEPHEN HARPER

CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, I am trying to get this straight. One of the most controlling, domineering, micromanaging Prime Ministers, probably in the country's history —

Senator Segal: Name names!

Senator Mitchell: — gets not one but two packages from Karlheinz Schreiber, who is at the centre of a scandal that reaches to the highest levels of the Conservative Party of Canada — not one, but two Prime Ministers — Prime Minister Harper actually has the gall to say he knew nothing about it. Why would anyone believe that this Prime Minister was not briefed on these devastating documents — devastating to a former Prime Minister, one of his closest confidantes, the very integrity of the Prime Minister's Office and, in fact, Prime Minister Harper's integrity and credibility as well?

• (1435)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Mitchell for his question.

Anyone who knows how the Prime Minister's Office and the Privy Council Office operates knows that many millions of pieces of correspondence pass through it.

Referring to Mr. Schreiber, he was obviously sending correspondence around to many people, including, apparently, to the NDP member, Pat Martin. He mentioned on the news last night that he received this same document and said that he threw it out.

In terms of the Prime Minister's Office, in cases such as that of Mr. Schreiber, where the individual is fighting extradition and is involved in a court case, obviously the people who received this mail at the Privy Council Office handled it in such a way as to not involve the Prime Minister.

Senator Cordy: We believe it!

Senator LeBreton: This case has been reported in the newspapers, with all sorts of allegations flying around, and it only makes sense to follow such a procedure. In any event, that is a standard procedure of the Prime Minister's and Privy Council's correspondence unit.

As I said earlier, Mr. Schreiber had obviously sent letters around to several people, and just as obviously, several people did not respond.

Senator Mitchell: Will Mr. Harper, like his close friend and confidant, Mr. Mulroney, commit to fully cooperating with whatever inquiry he finally decides to call so that we can find out, first of all, how those documents and their devastating allegations regarding that scandal could have festered in his office for seven months, and second, what role the Prime Minister might have played in covering up those allegations, and the implications for him as a result of such action?

Some Hon. Senators: Hear, hear!

Senator LeBreton: Senator Mitchell must really calm down a bit here. Those so-called devastating allegations were allegations that had been flying around for three years.

Senator Mitchell: Why, then, did it take him so long to deal with them?

Senator LeBreton: The allegations were flying around when Paul Martin was the Prime Minister as well. Mr. Schreiber had obviously been sending a great many letters around to all sorts of people. Goodness knows, he sent them all over the place. Obviously, this matter of the \$300,000 was known about by many. The previous government was aware of it.

The fact is that Prime Minister Harper responded when allegations appeared in the newspapers on Friday morning with new sworn affidavits. Since the Prime Minister felt that they perhaps dealt with the integrity of the Prime Minister's Office, he immediately took action and called for a third party to look at this whole matter. Today he has gone farther in saying that this third party will recommend the terms and conditions of the public inquiry.

As the honourable senator has said, Mr. Mulroney, Mr. Schreiber, the opposition parties and various newspapers have been calling for this public inquiry. By his statements this afternoon in the House of Commons, the Prime Minister has agreed to that proposal.

THE HONOURABLE MARJORY LEBRETON

CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Grant Mitchell: It is sort of like Mr. Mulroney's taxes: As soon as he thinks he will get caught, he pays them. As soon as the Prime Minister is implicated, all of a sudden he wants to do something.

Given Senator LeBreton's close personal relationship with Mr. Mulroney, how is it that she was not aware of the allegations in Mr. Schreiber's documents? Given Senator LeBreton's very close relationship with Mr. Harper, why would she not have briefed him on the documents?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I hate to disappoint the honourable senator, but I was not on Mr. Schreiber's mailing list.

Senator Tkachuk: How many of you on the other side were?

THE RIGHT HONOURABLE STEPHEN HARPER THE HONOURABLE PETER MACKAY

LISTS OF DONORS TO LEADERSHIP CAMPAIGNS

Hon. Wilfred P. Moore: Honourable senators, I have a supplementary question.

I was interested to hear the comments about the Prime Minister responding to matters so quickly. I go back to his comments in the Speech from the Throne about a "clean" government.

• (1440)

Can the honourable senator advise whether the leader of the new imperial Government of Canada has released a list of the donors to his leadership campaign, and whether the Minister of National Defence of the new imperial Government of Canada has released a list of the donors to his leadership campaign?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank Senator Moore for that question.

I am proud of the government that I am part of. We have conducted ourselves in a highly ethical manner. This issue that the honourable senator is questioning me on today, as I said to Senator Hervieux-Payette before we took the break for Veterans' Week, has nothing to do with the government. The fact is, the Prime Minister —

Senator Cordy: Oh, it is the Prime Minister.

Senator LeBreton: — took action last Friday after new information appeared in *The Globe and Mail* suggesting that Mr. Schreiber had sworn new affidavits. That is why the Prime Minister decided to refer this matter to an independent third party. He has now further extended the role and responsibility of that independent third party.

The rest of the Honourable Senator Moore's question has nothing to do with the government. I am the Leader of the Government in the Senate, and I am responsible for answering for the government.

Senator Moore: Honourable senators, I do not know why those lists have not been tabled. I have to ask, is someone trying to hide something? Are there names on those lists that no one wants the public to know about?

Senator Mitchell: Such as Karlheinz Schreiber?

Senator Moore: Can you advise whether Karlheinz Schreiber or any of his companies or associates made donations to those two leadership campaigns?

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, the question has nothing to do with the government. The honourable senator knows that.

Senator Di Nino: Absolutely.

Senator LeBreton: I believe the kind of statement the honourable senator made is improper, and I invite the honourable senator to make that statement outside the Senate doors.

Senator Angus: Hear, hear. Step outside.

Senator Moore: I am waiting for the honourable senator to answer.

Senator Tkachuk: Senator Moore thinks we have gone Liberal.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY— APPOINTMENT OF THIRD PARTY ADVISER

Hon. Anne C. Cools: Honourable senators, the statement of the Honourable Leader of the Government in the Senate a few minutes ago described this personal adviser to the Prime Minister as an independent. Am I correct? Did she say an independent personal adviser who will advise on the terms of reference; is that what she said?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): No.

Senator Angus: An independent adviser from outside.

Senator Cools: I cannot hear you. I am sorry; I cannot speak and wear my earphone at the same time.

Senator LeBreton: You are wrong. I said an independent third-party adviser.

Senator Cools: Precisely.

Can the honourable senator tell us, first, what are the constitutional characteristics that make a person or an adviser independent? Can the leader tell us what they are? For example, judges are independent. Constitutional independence has particular characteristics.

Second, I ask the minister if, in her view, personal advisers to the Prime Minister can be independent in a constitutional sense?

Third, what are the constitutional characteristics of this so-called third-party adviser that could possibly be termed “independent” in a constitutional sense?

• (1445)

Senator LeBreton: I did not hear the last comment, Senator Cools.

The Prime Minister was asked this very question at his news conference last Friday at four o'clock. Specifically, the question was why he would consider a third party instead of someone involved in the government. The Prime Minister said that because the Department of Justice was a party to the settlement entered into by the previous Liberal government of Mr. Chrétien, he really did not know how to proceed. He said that because there were so many people involved in this whole process over the years the government could not make the decision. That is precisely why the Prime Minister determined it advisable to turn to a completely independent third-party opinion that is not connected in any way to this matter, one way or the other.

The media that I watched following the Prime Minister's appearance, as well as the comments I heard over the weekend, were very supportive of the fact that he believed this to be the route to take.

Senator Cools: The honourable senator misunderstood my question. I am informed of what the Prime Minister had to say a few days ago.

My question to the minister revolved around this telling the house about the characteristics of this third party adviser that would allow it to be independent in a constitutional sense. I would like the minister to wrap her mind around that question and to deal with it. All honourable senators are informed, as I am informed, of what happened. The minister can think about the question and come back or she can just decline to answer it.

My other question for the leader is: What consideration is being given by the Leader of the Government in the Senate to ensure that Mr. Mulroney receives proper and due process? I do not think any human being should be ill-treated in this way. I should like to know from Senator LeBreton what steps she is taking to ensure that Mr. Mulroney receives due process?

Senator LeBreton: Senator Cools, I will promise to wrap my mind around these issues. However, the Prime Minister was clear in his comments on Friday that this is such a complex case and innuendos and allegations about this issue have been flying around for some 12 years.

Senator Cools: That is right.

Senator LeBreton: The Prime Minister felt that the prudent way to address this issue was to turn to a third party — an independent adviser who is not in any way connected to any aspect of this matter. That is the route he chose, and wisely, I believe.

As I have already said to the honourable senator, the reports have supported the Prime Minister's decision in this regard.

Hon. Tommy Banks: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate with respect to the independent third-party person to whom the honourable senator referred. Will that person report to the Prime Minister or to Parliament?

Senator LeBreton: Honourable senators, the Prime Minister was clear on this subject last Friday when he said that the independent third party would report to the government and the government would be obligated to follow the recommendations.

• (1450)

Subsequently, in view of the reports on last night's news that now Mr. Mulroney, in addition to Mr. Schreiber and all of the opposition parties, is demanding a public inquiry, and as I reported at the beginning of Question Period, the Prime Minister has asked this independent third party to report back on the terms and conditions of such a public inquiry, which everyone is demanding.

Senator Cowan: To whom?

THE HONOURABLE MARJORY LEBRETON

CONTACT WITH RIGHT HONOURABLE BRIAN MULRONEY—INVOLVEMENT WITH KARLHEINZ SCHREIBER

Hon. Jane Cordy: Honourable senators, my question is for the Leader of the Government in the Senate. Her close ties with Mr. Mulroney are common knowledge. Has she obeyed the muzzling order from Prime Minister Harper that she cannot speak to Mr. Mulroney, who is one of her closest friends?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Oh, my goodness, I get some weird questions.

The fact is that last Friday, the Prime Minister said that until this matter is resolved, he believed it was not prudent for members of the government to have any communication with Mr. Mulroney. I fully support what the Prime Minister has said. I believe it is the right course of action, and it is one that I have personally followed.

Senator Cordy: In the honourable senator's previous communication with Mr. Mulroney, did she ever discuss Karlheinz Schreiber?

Senator LeBreton: Honourable senators, Mr. Mulroney has never asked me to do so, nor have I ever interfered in any way, shape or form with any matter regarding Karlheinz Schreiber. I certainly have been well aware of the file. However, in no way have I ever made representations on behalf of Mr. Mulroney or Karlheinz Schreiber, whom I have never met in my life. I would not know the man if I fell over him.

Senator Cordy: The minister has said that she never "interfered" or "made representations." My question was has she ever discussed Karlheinz Schreiber with Mr. Mulroney?

Senator Mitchell: Yes or no?

Senator LeBreton: Honourable senators, Mr. Schreiber's name has been in the newspaper. As Leader of the Government in the Senate, I do not believe that I am obligated to answer such a question since I am on the public record as defending Mr. Mulroney many times against these allegations. In that context, over the years I have defended Mr. Mulroney.

However, I want to make it very clear that I have never met Karlheinz Schreiber; I have never been in any contact with him; I would not know him if I fell over him. I have never laid eyes on the man in my life, and I have never made representations to the government or to the Prime Minister on behalf of Mr. Mulroney or Karlheinz Schreiber.

Senator Cordy: Has the minister ceased all communications with Mr. Mulroney?

Senator LeBreton: You should listen to my answer, Senator Cordy. I already said that I had.

Hon. Joan Fraser: Honourable senators, my question is for the Leader of the Government in the Senate. As has been previously mentioned, until the leader came to this place, she occupied a very senior position in the office of the then Prime Minister.

Mr. Schreiber has now made public a sworn allegation that he met with then Prime Minister Mulroney in June of 1993 at Harrington Lake — Mr. Mulroney was still Prime Minister then — and discussed their future business relationship, including cash payments.

Was the honourable senator aware of that meeting?

Senator LeBreton: Honourable senators, absolutely not.

Senator Fraser: Was the honourable senator aware of other meetings that Mr. Mulroney held with Mr. Schreiber, notably the one of which photographic evidence was published in *The Globe and Mail* the other day, showing Mr. Schreiber and Mr. Mulroney having what looked like a very friendly meeting in the Prime Minister's centre block office?

Senator LeBreton: Actually, Senator Fraser, this is a very interesting line of questioning but it has nothing to do with the government and it has nothing to do with my —

Senator Mitchell: That sounds like a yes.

Senator LeBreton: Calm down, Senator Mitchell. You really have to get control of yourself.

Senator Mitchell: I am just trying to get an answer.

• (1455)

Senator LeBreton: The fact is that I personally never heard the name of Karlheinz Schreiber. I never saw the man. I now know what he looks like because I saw him on television.

I never saw him; I never laid eyes on him. I was in the Prime Minister's Office from March 1987 until June 1993. I never saw the man ever. I never laid eyes on him; I was never a party to any meetings that he apparently had. I was totally unaware of him.

As a matter of fact, when all these stories broke I said to someone, "Who is Karlheinz Schreiber?" I never laid eyes on the man; I know nothing about him; and I must say I am very happy that is the case.

Senator Fraser: My initial questions were going to be followed up by a question: Did the Leader of the Government consider it her duty as a minister in this government to utter a warning to her Prime Minister that something very serious appeared to be afoot?

Maybe I will rephrase that. Does she not consider that this, dare I say, wilful ignorance of what any half-informed Canadian knew was a major scandal should disqualify her from holding office?

Senator LeBreton: Oh, dear, it sounds like the honourable senator is writing editorials again.

The fact is that these stories have been circulating for 12 years. When the previous government nearly lost the country, these rumours started to surface.

These stories have been written about in newspapers and books; RCMP investigations have taken place. The fact is that I have no personal knowledge whatsoever about the dealings of Mr. Schreiber, nor, frankly, do I want to.

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. I find myself very confused right now. I believe the minister said — and she can agree with me or not — that she was very familiar with the file.

Senator LeBreton: Yes.

Senator Trenholme Counsell: She said that. Many of the things that she has said since saying that are not correct then.

How can the leader be “very familiar” with the file and continue to say many of the things she has just said about not knowing and not being aware and not having seen and so on? In my mind, being “very familiar” with the file and all the things she said subsequent — we will have to read and analyze them — do not jibe.

Senator LeBreton: Honourable senators, anyone who knows me knows that I read the media and I read everything. When I say that I am very familiar, I am very familiar with the story.

As I mentioned before, the fact is that the Prime Minister’s actions last Friday resulted from new sworn allegations. Anyone in this place who has read anything over the last decade could make the same claim, unless they do not read the papers, that is, that they are familiar with this matter.

I reiterate, once again, that this subject has nothing to do with the government. I am very proud of the Prime Minister and my cabinet colleagues. We are running a very clean, honest and ethical government.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised in the Senate. The first response is to a question raised in the Senate by Senator Tardif on October 17, 2007, in regard to the Speech from the Throne, particularly measures to address post-secondary education issues.

The second is in response to a question raised in the Senate on October 31, 2007, by Senator Hervieux-Payette, regarding Chapter I of the Auditor General’s Report dealing with classified information in awarding contracts.

SPEECH FROM THE THRONE

MEASURES TO ADDRESS POST-SECONDARY EDUCATION ISSUES

(Response to question raised by Hon. Claudette Tardif on October 17, 2007)

This Government provides \$5 billion annually in direct support to students through student loans and grants, savings incentives, scholarships, tax expenditures, and research funding. For example:

Canada Access Grants are available for both students with disabilities (up to \$2,000 annually) and for students from low-income families (up to \$3,000 for the first year of study).

Canada Study Grants are available for students with disabilities (up to \$8,000), students with dependants (up to \$3,000 annually), high need part-time students (up to \$1,200 annually) and female doctoral students (up to \$3,000 annually).

The reduction of the parents’ expected contribution in Budget 2006 is expected to allow some 30,000 additional students from middle-income families per year to be eligible for student loans and non-repayable assistance. It will also enable up to 25,000 student borrowers per year to be eligible for an increase in the amount of the loans they receive.

Budget 2007 launched a review of the Canada Student Loans Program instruments to make them more effective and ensure integrated administration and efficient delivery. Outcomes of the review will be announced in Budget 2008.

With regards to the future of the Canada Millennium Scholarship Foundation, a number of reviews have been undertaken to assess its performance, effectiveness and success in achieving its mandate. The results of these reviews are being examined and will inform this Government’s decision in this regard.

PUBLIC WORKS AND GOVERNMENT SERVICES

THE AUDITOR GENERAL’S REPORT—INDUSTRIAL SECURITY OF CLASSIFIED INFORMATION IN AWARDING CONTRACTS

(Response to question raised by Hon. Céline Hervieux-Payette on October 31, 2007)

- PWGSC has already addressed all the recommendations of the Auditor General.
- We have a robust action plan to ensure a strong and effective Industrial Security Program. This includes:
 - Implementing a new process to ensure that all contracts specify whether or not they have a security requirement.
 - Finalizing and implementing standard operating procedures and training staff to ensure procedures are consistently followed.
 - Allocating interim funding and seeking long-term funding.
 - Certifying the program’s technology infrastructure as mandated under the Government Security Policy.
- The government is going even further by:
 - Reviewing all active contracts (3000) with security requirements to ensure all necessary steps to prevent breaches have been addressed.
 - Initiating an independent third-party management review of the program.
 - Creating an Industrial Security Management Advisory Board to oversee the action plan and provide advice to management.

- Implementing ongoing quality assurance and monitoring to ensure consistency and accuracy in processes.
- Developing an action plan for further enhancing IT systems to support contract security.
- PWGSC is monitoring implementation of these changes, and we are confident that the Industrial Security Program will continue to achieve its program objectives.
- PWGSC recognizes the need for a strong and effective Industrial Security Program to protect the security of Canadians and ensure the competitiveness of industry.

[English]

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING—CLARIFICATION ON PROCEDURE

The Hon. the Speaker pro tempore: Honourable senators, on Thursday, November 1, 2007, when the order for the consideration of the motion to establish a special committee on aging was called, the Senate proceeded directly to adopt the motion as amended, without having adopted the amendment to change the reporting date.

• (1500)

A review of what happened that afternoon makes it clear that the Senate was voting on the motion with the amendment. Several senators shouted out clearly, “as amended,” and I clearly stated “as amended” when putting the question. I simply wish to bring this matter to the Senate’s attention. The Senate adopted the motion with the March 31, 2008, reporting date, and that is the date by which the committee should submit its final report.

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—SECOND READING

Hon. W. David Angus moved second reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

[Senator Comeau]

Hon. W. David Angus: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Angus, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

He said: Honourable senators, it is a pleasure for me to speak today in regard to Bill C-13. The government first introduced this bill in the previous session of the Thirty-ninth Parliament, and it was then called Bill C-23. It was passed in the other place with only a few amendments.

When Parliament prorogued, Bill C-23 was at second reading stage in this chamber. It is now again before us to be considered in the second session of this Parliament.

Bill C-13 is not about fundamental criminal law reform. It does, however, propose mostly technical amendments to the Criminal Code that are required to ensure that our criminal justice system continues to work effectively as challenges to our Canadian court system arise.

A criminal justice system that remains modern and effective is an essential part of the overall goal of tackling crime, which the government has made one of its key priorities. Through this bill, the government proposes amendments to the Criminal Code that fall into three main areas, namely, criminal procedure, language of the accused and sentencing.

Many of the amendments as initially introduced in the first session were developed in collaboration with justice system partners who were influential in helping the government identify areas of the Criminal Code that were in need of change.

I will go through some of those proposals briefly and I will begin by highlighting some of the criminal procedural amendments of which there are many in this particular bill.

The amendments outlined in Bill C-13 seek to improve procedural efficiencies and to rectify certain shortcomings in criminal proceedings. In particular, I will touch upon the following changes: The appeal route for judicial orders to return seized property; proof of service of court documents; endorsement of out-of-province search warrants; and, the reclassification of the offence of possession of break-in instruments.

Honourable senators, there are many other such amendments, but I wanted to give you the flavour of the bill by touching upon these.

A procedural change to the current regime in section 490 of the Criminal Code is proposed. This provision sets out the process to be followed for the return of property seized or detained during the investigation of an offence. The person from whom the property was seized may make a court application to request that the property be returned. Depending on the situation, that order can be made by a justice, a provincial court judge, or a superior court judge. An appeal mechanism is also provided for such court orders.

Currently, honourable senators, the code provides that when an order to return seized property is made by a superior court judge, the appeal of such an order is to be heard by a judge of the same court, not to an appeal court. This anomaly needs to be corrected, as appeals are usually heard by a higher court.

The corrective amendment will now provide that the appeal route of an order made by a superior court judge with respect to the detention of things seized is to proceed to the court of appeal.

Another series of criminal procedural amendments will consolidate into one easily referenced section all provisions dealing with proof of service of court documents, for example, notices and summonses. With respect to the endorsement of out-of-province search warrants, one amendment will modernize and expedite the process by which they are transmitted and executed in a jurisdiction other than where they have been issued.

Currently, in order to execute an out-of-province search warrant, the warrant must be presented to a judge or a justice in its original paper form; not a copy, but the original paper form in the province where the search will take place, so that it can be endorsed and subsequently executed. That requirement takes both time and resources.

• (1510)

There are more efficient ways to process out-of-province search warrants by using reliable and cost-efficient modern technology. For that reason, one amendment will permit such warrants issued in one province to be sent by facsimile or another means of telecommunication to the other jurisdiction, thereby allowing a copy of the warrant to be endorsed by the judge or justice for execution in that other jurisdiction. In this instance, the original document, which takes time to travel between provinces, is not required.

Other procedural amendments are more substantive in nature. For example, one amendment proposes to reclassify the offence of possessing break-in instruments, which is currently an indictable offence, to a dual procedure offence. In a dual procedure offence, the prosecutor is given the option of electing to proceed by way of indictment or summary conviction procedure. Experience has shown that the offence of possessing break-in instruments is often committed together with the offence of break and enter into a place other than a dwelling-house. Break and enter is a dual procedure offence. The amendment would reclassify the offence of processing break-in instruments as a dual procedure offence, thereby allowing Crown prosecutors, in appropriate circumstances, to proceed with one trial by way of a summary conviction for both offences.

I am sure that honourable senators will find the next section of this bill of great interest. It is called the language of trial. Bill C-13 also proposes amendments to the language rights provisions of

the Criminal Code. As honourable senators already know, sections 530 and 530.1 of the Criminal Code are the result of a number of steps demonstrating a long but certain process over the past 35 years with respect to the language rights of an accused. These provisions have been in force across Canada since 1990.

In summary, section 530 grants all accused persons the right to have their criminal trial in the official language of their choice. Section 530.1 sets out a series of corollary rights and obligations that apply when an order is made for an accused person to be tried in the official language of his or her choice. The proposed amendments found in this bill are the result of numerous consultations not only with the various provinces and territories but also with the Commissioner of Official Languages and the associations of francophone jurists and their national federation. These various stakeholders have expressed the need to improve and to clarify the current language of trial provisions.

Numerous studies and reports have confirmed that there are still obstacles to full and equal access to the criminal justice system in a person's preferred language. Moreover, many court decisions have highlighted a number of interpretation problems with respect to these provisions. This act is now designed to cure some of those problems. The purpose of these amendments is, therefore, to rectify the shortcomings identified in these studies and by the courts, and to help reduce these obstacles.

For example, one important amendment would heed the judgment of the Supreme Court of Canada by requiring the court to inform all accused persons of their right to be tried in their own official language, whether they are represented by counsel or not. In other words, if an accused appears in court on his or her own, he or she is entitled to be informed by the judge of their right to be tried in English or in French. Moreover, the Commissioner of Official Languages has, over the years, recommended that all accused persons be better informed of their right to a trial in the official language of their choice.

Another example can be found in the amendment which requires the charging document to be translated upon request into the official language of the accused. Therefore, if an accused is French-speaking and goes into court and the document is in English only, the accused has the right to say, "I want to see this document in a language that I can read and understand." That can now take place under the amendments to this act and is a logical complement to accused persons exercising their language rights.

Other proposed amendments are adjustments to existing language rights that will not dramatically affect the criminal justice system but will, nonetheless, be of some demonstrable importance to an accused person.

Honourable senators, let me pose a hypothetical situation: Two accused persons — one of them English-speaking and the other French-speaking are involved in the same criminal offence. In a court, they each have the right to be tried in their desired official language. Under this bill, it is now possible for them to apply to have a judge who is bilingual and able to carry out the trial in both official languages. It is with a view to ensuring better access to justice in both official languages in Canada that the government presents these legislative amendments.

I will now turn to the sentencing amendments of Bill C-13 and provide an overview of the changes to the sentencing provisions of the Criminal Code. While most of the sentencing amendments are technical, some of them are more substantive in nature. I will start by highlighting some of those substantive amendments.

The first I would like to mention is the amendment that updates the \$2,000 default maximum fine for so-called summary conviction offences. At present, this amount is the maximum monetary penalty that can be imposed for a summary conviction offence where no other maximum amount is provided for in a federal statute. This amount has remained the same since 1985. Bill C-13 proposes to raise the current maximum default fine from \$2,000 to \$5,000. By increasing the maximum amount for summary conviction offences, prosecutors — when it is deemed that a monetary penalty is an appropriate sentence but that the amount should be more than the current \$2,000 maximum — will be able to address this issue.

Another significant amendment proposes to allow the sentencing court to make an order prohibiting an offender from communicating with any victim, witness, or other person identified in the order during the custodial portion of the offender's sentence. In the past, even while a person is in custody, they have been able to make threatening and harassing phone calls. This bill is designed to impose certain conditions and limits on such persons, even while in custody.

The Criminal Code currently provides for no-contact orders at various stages of the judicial process. A judge may impose such an order when an accused is released on bail, is held on remand, or when an offender is under a probation order. However, the Criminal Code does not currently provide for such an order to be imposed on an offender while he or she is serving the custodial portion of their sentence. The existing measures in correctional institutions regarding unwanted communication from inmates are generally effective, and in such situations where procedures exist, are addressed on a case-by-case basis.

This amendment grants sentencing courts an additional means to protect victims and other identified persons from undesirable communications by permitting the imposition of a no-contact order on offenders while they are serving their jail term. A breach of such a no-contact order would be punishable by a maximum of two years' imprisonment.

A series of sentencing amendments will also serve to clarify the application of impaired driving offence provisions. For instance, in response to uncertainty caused by diverging court decisions regarding the application of minimum penalties, one important amendment will clarify that the minimum penalties that apply to a first, second and subsequent impaired driving offence also apply to more serious situations of impaired driving resulting in bodily harm or death. These offenses include operating a motor vehicle while impaired, and refusal to provide a breath sample.

Another amendment will serve to clarify the application of impaired driving penalties as they pertain to offenders who participate in a provincial alcohol ignition interlock device program. A number of provinces offer these programs now. They enable offenders who have been prohibited by a sentencing court from driving for a specified period to operate a vehicle if the

vehicle is equipped with an alcohol ignition interlock device, but only after the expiry of the minimum probation period provided for under the Criminal Code. In order to tighten up the application of this provision, the amendment clarifies that offenders are only authorized to drive during their prohibition period if they are registered in an alcohol ignition interlock device program, and if they comply with the terms and conditions of the program.

• (1520)

Other more technical sentencing amendments include a provision to allow courts of appeal to suspend a conditional sentence order until the appeal has been heard and disposed of. This makes it possible to avoid cases in which conditional sentence orders expire before the appeal is heard.

Another amendment would also enable courts of appeal to suspend conditional sentences or probation orders to require the offender to enter into an undertaking or recognizance that includes conditions similar to those found in cases of accused persons on interim release awaiting appeal.

Honourable senators, in conclusion, I hope that this brief overview of Bill C-13 has been helpful. I hope that honourable senators agree that the examples provided today illustrate quite well that the amendments, if passed, would undoubtedly improve the effectiveness and the access to Canada's criminal justice system.

Honourable senators, amendments are proposed to many clauses of this bill to which I have not referred. It is my hope that this bill will be referred to a committee where a careful clause-by-clause analysis can be done of all these important proposed amendments.

Hon. George Baker: Will the honourable senator permit a question?

Senator Oliver: Yes, I will.

Senator Baker: I have not studied the bill in detail. Senator Oliver mentioned the clause relating to section 253 of the Criminal Code, which deals with impaired driving, and referred to technical amendments thereto. He mentioned section 254.5, which is refusal or failing to provide an adequate sample. However, he used only the word "refusal" in his speech and not the words "failing to provide." Was that intentional or does the amendment, in fact, apply only to the refusal portion of section 254.5? Perhaps we could address that in committee when the bill goes there.

The bill proposes to remove the interlocutory appeal provision when an order is given by a Supreme Court justice on the detention or return of property seized during an investigation. The honourable senator's proposed amendment makes perfect sense, that is, to appeal to a higher court, because interlocutory appeals are not welcome in the system. In the cases that I have read, seizures of property are handled at the provincial court level with opportunity to appeal to a Supreme Court justice on the order given in the province.

Has Senator Oliver considered the additional workload that will be placed on the Court of Appeal of the provinces of Nova Scotia and Newfoundland and Labrador if all applications that

arise out of the Supreme Court are heard at the Court of Appeal? Few justices currently preside at the Court of Appeal and I understand that they are currently overworked in the province of Nova Scotia.

Senator Oliver: I thank the honourable senator for those questions.

In relation to the first, I said operation of a motor vehicle while impaired, and refusal to provide a breath sample. Both are covered in these amendments.

Second, I cannot think of anything more improper in a criminal justice system than having the judge of the Superior Court who made the ruling hear the appeal of that ruling. This amendment to this legislation is long overdue.

Insofar as the additional workload that this amendment might bring, I think that the good effects this amendment will bring to the justice system will far outweigh any additional workload for those lucky enough to sit on the appeal courts of our land.

Senator Baker: On his final remarks, I am sure that the honourable senator sometimes has sympathy for people who must read transcripts every day rather than hearing evidence. I presume that his reference to being lucky enough to sit on the Court of Appeal relates to the position of the position rather than to the actual position itself.

Senator Oliver: Agreed.

On motion of Senator Tardif, debate adjourned.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Lucie Pépin: Honourable senators, in the latest Speech from the Throne, the government promised to help those who are trying to break the cycle of homelessness and poverty. It is vital that the government make good on this promise.

Homelessness, which is on the rise, has become a serious social problem in our cities and regions. A significant number of Aboriginal people and families with children are homeless or risk becoming so. More and more young people and seniors are finding themselves on the street.

Such a situation does us no credit. Our provinces and territories were recently visited by the United Nations special rapporteur on adequate housing. In his observation report, Mr. Kothari said he was appalled by the homelessness crisis and concerned about the housing situation in Canada.

It is unacceptable that a portion of our population should be forced to live in hazardous or unhealthy conditions or overly expensive housing. We are the country with one budget surplus after another. Yet the poorest Canadians have once again been given short shrift.

I have nothing against lowering taxes, but our economic prosperity must also be used to reduce the social imbalance between the wealthy and the less fortunate.

Funding for the Homelessness Partnering Strategy has been renewed for another two years, but in light of the vast need, the federal government has to make social housing a priority again and reinvest massively in it. The lack of affordable housing is not the only reason for the increase in homelessness, but it is a contributing factor. If the homeless are to get off the streets, they obviously need a place to stay.

Putting an end to chronic homelessness makes perfect sense. Such is the opinion of Philip Mangano, who was mandated by President Bush to eliminate homelessness. When Mr. Mangano was in Montreal, he illustrated how a chronic homeless person costs more to society on the street than sheltered in a supervised apartment. According to him, it costs less to provide care in a dwelling than to have the homeless person repeatedly come back to emergency services, prisons and detoxification centres.

In the United States, the budget for fighting homelessness has increased significantly and a number of federal organizations, states and towns have developed a strategic alliance to get the homeless off the streets. This long-term solution has already produced impressive results, since the number of homeless people has gone down in several U.S. cities.

Our neighbours to the south are not always a model for social justice. However, they have shown us in this case that if we want to put an end to homelessness, we have to put our money where our mouth is.

[English]

Hon. Elizabeth Hubley: Honourable senators, I feel privileged to stand before you today in this chamber to share my thoughts on the Speech from the Throne. I would also like to take this opportunity to welcome our new colleague, Senator Brown, to this august chamber.

As was noted in the speech, this room is filled with history. Since its construction in the early part of this century, following the fire of 1916, all of the major issues of the country, and in fact of the world, have been discussed here. This chamber has seen world wars come and go. It has witnessed cold wars, the growth and decline of communism, and the evolution of Canada from a fledgling state trying to find its place in the world to the great country we know today.

The speech from Her Excellency Governor General Michaëlle Jean began by noting a number of significant anniversaries of issues discussed in this chamber; the abolition of slavery, the Citizenship Act, and the Order of Canada.

• (1530)

I would like to add two other significant anniversaries that were not addressed in the speech. This year marked the twenty-fifth anniversary of the establishment of the Charter of Rights and Freedoms. The Charter is a tangible expression of the values we hold as Canadians: values which define us on the world stage and at home. The important role that the Charter has played in building a strong Canada should not be forgotten.

Honourable senators, 2007 also marks the tenth anniversary of the signing of the land mines treaty. This treaty was the direct result of an initiative by the Government of Canada of the day, and was signed in this very city. For the first time in history, an international agreement banned the use and production of a conventional weapon of war. This is an astounding feat. Let us not forget that it was this country which supplied the vision, the impetus and the support to take this noble idea and change it into reality — a reality that has already saved the lives of countless citizens and prevented countless terrible and permanently disfiguring injuries to civilians around the world.

Honourable senators, a Speech from the Throne is a broad statement which touches on many areas and gives a general indication of the vision and direction of the government. In our role as respondents to the speech, it is certainly not difficult to find areas on which to comment, in particular important issues of public policy which have received little or no attention in the government's agenda. The challenge, however, is limiting the comments to 15 minutes. I have stood in this chamber in the past and spoken about security and defence issues. I have spoken on post-secondary education. I have spoken on the Senate and democratic reform. All of these issues can be discussed in the light of the Speech from the Throne, and it is my sincere hope that some of my colleagues will address them.

I stand here as a representative of the province of Prince Edward Island, the smallest and most rural province in the country. Because of this geographical reality, many measures and directions that impact small and rural areas of this country will probably affect Prince Edward Island disproportionately. Prince Edward Islanders are proud Canadians. Our province is a community that has not lost its traditional values. Our provincial motto says it best: "The small under the protection of the great." We believe that we have maintained an enviable quality and way of life. In achieving this goal, we have not ignored the rest of the country or stubbornly insisted on our own path. We have, instead, grown through our full participation in the affairs of the great — that is, the affairs of Canada.

We, as Prince Edward Islanders, fully and firmly believe that no one province or area of this country is better off on its own. We believe that all of us can meet our goals only through partnership, cooperation and working together with our fellow Canadians from one end of the country to the other.

The Speech from the Throne is just the latest illustration of the government's disdain for national programs. I am sorry to break this news to the government, but Canadians take pride in our national programs. We do not want to see these programs dismantled. We do not want to see the federal government abdicate its responsibility in creating national programs, or tie the hands of future governments through legislation that limits their capacity to respond to the democratic will of Canadians. We are a very large country, with diverse backgrounds. As Canadians, we welcome diversity and recognize that it is part of our national identity. However, with such disparate experiences we also need something to hold us altogether — something with which we can all identify. A system of national programs is one of those areas. I fear that the tone of this throne speech is signalling the withdrawal of the federal government in this area — an abdication of its responsibility.

I see a commitment in here to strengthening Canada's economic union, but I do not see a serious commitment to Canada's social union. In fact, I see a withdrawal from it. I like to think that our country is much more than a network of companies and traders whose only connection is that they need each other for financial gain. Canada is also a network of people. We take pride in the fact that we help each other. I sincerely hope that the government has not lost sight of that fact.

Each and every weekday morning in Prince Edward Island, the host of our CBC radio morning program signs off by saying, "Take care of each other today." I would like to think that this is how we treat each other all across this country: by taking care of each other. Let us not put this communal compassion in jeopardy.

Honourable senators, I also heard word that the government will support traditional industries, including fishing. I find this quite puzzling since this government has just granted authorization for mid-water trawling off Prince Edward Island. From a conservation viewpoint, this is a very questionable action. Not only do these trawling practices scoop up everything in their path, producing a huge amount of wastage, but they will also target, and potentially damage, the herring stocks. Any impact on this stock will also affect the lobster and tuna fisheries, since herring is the principal bait used in these fisheries. These fisheries are crucial to the fishers of Prince Edward Island, and this type of decision jeopardizes their livelihood. Honourable senators, I see here a short-sighted decision that benefits a few at the expense of the many, with no sign of the government's new commitment to supporting the traditional fishing industry.

The Speech from the Throne also addressed Arctic sovereignty. The people in the North have a unique relationship with the land, living in harmony with a beautiful but unforgiving region that sustains them. Issues such as climate change threaten that subsistence. I am encouraged by the government's commitment to the North and, in particular, to their commitment to building a research station. However, Arctic sovereignty will not be established solely by building a research station or just by having a military presence. Why? Because sovereignty is not just

about the land, it is also about the people. In order to protect Canada's sovereignty in the North, we must protect its people. That means providing them with the tools they need to flourish, and protecting the environment through initiatives such as the Kyoto Protocol.

If there is one topic on which I have spoken out many times both in this chamber and elsewhere it is the area of post-secondary education. I must say that I am quite disappointed at the lack of concern shown for this area in the Speech from the Throne. Aside from a passing reference about costs, there is no mention of higher education. Honourable senators, I will not stand here and say that further education is a magic pill that will solve all of our problems now and into the future, but if we want to increase productivity, education is the largest contributor. If we want to have a greater impact on the world stage, we need to ensure that our population has the education to both understand the issues and to work on the solutions. Poverty, health and crime are all linked to education and literacy levels. I would be hard pressed to find any single initiative that could have a larger impact on the long term future of this country than increasing the educational opportunities for our citizens. Yet the Speech from the Throne does not address this area at all, demonstrating that the government does not include higher education anywhere among its priorities.

Honourable senators, in closing, again I should like to emphasize that Canada is more than just a collection of people; we are more than a collection of financial and business interests. We are a community. In order to remain vibrant and strong, we need to remember that only by working together can we make this an even better place. Prince Edward Island's motto — "The small under the protection of the great" — is more than just something to put on our letterhead. It is a reminder that we can maintain our closeness and our community, but we are also participants in this great country. The government should not lose sight of its responsibilities to support the social fabric of our country as well.

• (1540)

[Translation]

Hon. Maria Chaput: Honourable senators, I listened closely and respectfully to the Speech from the Throne, read by Her Excellency the Governor General of Canada. This speech, the second from the government of the Right Honourable Stephen Harper, raised some concerns for me about the future of official language minority communities in Canada.

I will focus my speech on what I think should be addressed immediately, and on what is endangering the development and advancement of the official language minority communities I represent in the Senate of Canada.

[English]

At the beginning of the first session of the Thirty-ninth Parliament, the government in power wanted to support child care choices, and it chose to do so in its own way. It saw fit to ignore the early learning and child care agreements-in-principle between the Government of Canada and many provinces, and instead provide child care benefits.

In the Conservative government's Speech from the Throne 18 months later, it proclaimed that:

Families now have real choice in child care through the Universal Child Care Benefit.

But is this true? The figures still point to a lack of child care spaces. Morna Ballantyne of Code Blue for Child Care has raised concerns about the Conservative government's strategy.

... Harper's claim is particularly misleading given that the Tories have not delivered a single one of the 125,000 child care spaces they promised.

More specifically, parents in official language minority communities had outlined a common child care vision. A strategy based on a continuum of French-language education, from preschool to adult, was an important tool for retention and francization for minority language communities. Moreover, a national child care strategy would guarantee that parents wanting to place their preschool children in a French-speaking environment could do so. These daycares would be tied to French-language schools and would play a key role in expanding French-speaking communities. Lastly, federal government support for francophone daycare would help combat assimilation at transition points.

I need not remind you that in the October 2004 Speech from the Throne, the Liberal government then in power had recognized that the time had come for a truly national early learning and child care system. In February, 2005, provincial social service ministries had also recognized the urgent need to streamline early learning and child care services across the country. To address this need, they defined four main principles to govern these services: quality, universality, accessibility and developmental. The principle was called QUAD. However, the Conservative government felt and acted otherwise.

[Translation]

So you will understand, honourable senators, that some questions came to mind when the Prime Minister announced the success of his approach. Can parents in official language minority communities find French-language child care for their children? No. Under the direction of the Right Honourable Mr. Harper, Francophone parents outside Quebec, found themselves in the same position as all other parents in Canada, with a \$1200 cheque in their pockets, but without any support structure in terms of linguistic and cultural resources. And yet, young children are essential to the development and advancement of official language minority communities.

Another prime example of what is weakening these communities is the abolition of the Court Challenges Program. Groups have no funding to achieve equality, to defend their rights and to ensure the rights are respected. One of our colleagues, who is now retired, the Honourable Senator G  rald Beaudoin, used to say to me, "Equal status, equal rights." Is this still the case? I thought that the Conservative government would realize its mistake and would reinstate this program, so necessary and essential to the survival of these groups.

[English]

The Court Challenges Program has made a significant contribution to linguistic rights and equality rights in Canada and has, by no means, outlived its usefulness.

[Translation]

Now let us turn to the new promises in the Speech from the Throne, which stated that the Conservative government:

... supports Canada's linguistic duality. It will renew its commitment to official languages in Canada by developing a strategy for the next phase of the Action Plan for Official Languages.

Those are very nice words, and we appreciate the sentiment. But how will that strategy be implemented, and by whom?

I feel I must emphasize the importance of the action plan. The Dion plan, as it is fondly known, included strategies for education, justice, health, early learning, immigration, and many other initiatives. The Liberal government's investments helped reinvigorate official language minority communities. The time has come to renew that plan. Everything hinges on a promise that we hope will lead to concrete action and an improved action plan. But whose vision will prevail? That of the government in power or that of the communities? It remains to be seen whether the Conservative government will be ready to listen to communities this time and take their recommendations into consideration.

During their first 18 months in government, the Conservatives were obviously in the habit of making decisions without consultation. This makes me worry about another promise in the Speech from the Throne, a promise that could have negative repercussions on Canada's federal structure and, as a result, on official language minority communities.

I realize that we have to respect the provinces' independence. I do not have a problem with the government's plan to monitor the federal spending power. But does the Right Honourable Mr. Harper think that he is demonstrating leadership by delegating that spending power to the provinces with no strings attached? The idea of redefining the federal spending power without putting a mechanism in place to protect minorities is contrary to the vision shared by the Fathers of Confederation, is it not?

It seems to me that the Prime Minister is dismissing a national vision, not to mention ignoring his responsibility to protect minorities. Without that tool at the federal government's disposal, many services offered across the country would not exist and minorities would suffer even more. Under this new legislation, it will be very difficult — perhaps even impossible — to start new national social programs. For example, monitoring expenses in this way would make the federal government's national childcare strategy — along with any other program that might arise from a national vision — impossible or, at the very least, very difficult.

If we study and evaluate this new recommended legislation from the perspective of official languages, this unconditional delegation of responsibilities to the provinces is, in my mind, completely irresponsible.

Without the national umbrella provided by federal management, one component of official languages depends entirely on the political will of the provinces. I remember the dark years when Manitoba's francophones depended on the

political will of their provincial government for their language rights. I remember the battles waged by Georges Forest and Roger Bilodeau. Need I remind honourable senators of what happened? Does the federal government not have an obligation, a responsibility, to protect official language minority communities?

If the government dismisses this aspect of the issue, it is denying our history, our heritage and our reality as a country.

But just as troubling is the fact that there is absolutely no mention of some sectors of activity, including the arts and culture. An important facet of the Canadian diplomatic role is to support its artists abroad. In the 20th Century, Canadian cultural diplomacy played an important role in defining our country abroad on the basis of its two official languages and its multiple cultures.

In a CBC interview, renowned Canadian author Margaret Atwood explained how Canada's role on the international scene had diminished since the Conservative Party came to power. She said:

[English]

It was particularly short-sighted to cut funding for cultural tours that allowed Canadian artists to develop fans overseas

The arts are being neglected despite bringing economic activity and prosperity to the country

• (1550)

[Translation]

Honourable senators, like everyone here in this chamber, I am proud of my country. As one of my colleagues said, I believe in a "Canada where we have a federal government that is fully sensitive to the needs of our diverse regions, provinces and territories, cities and towns, and citizens of all backgrounds".

I am a French-Canadian from Manitoba. As a French-Canadian, I have always viewed the Canadian federation as a solemn pact between the two founding nations. I harbour no illusions. The Francophonie in Canada is facing new challenges, while the gains made over the past few decades remain very fragile.

The future of francophone and Acadian communities, which are part of that Francophonie, will continue to depend on the unconditional support and attentiveness of the federal government. It is very important to understand that, on the whole, only a comprehensive approach can provide effective, lasting solutions.

I urge the government to accept its very special responsibility regarding its official language minority communities, because, in their day-to-day affairs, what those communities need most is a firm, clear commitment from their government.

On motion of Senator Comeau, debate adjourned.

[Senator Chaput]

THE ESTIMATES, 2007-08

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of October 30, 2007, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2008.

Motion agreed to.

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES AND TO REFER DOCUMENTS AND EVIDENCE OF PREVIOUS SESSION

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of October 31, 2007, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10; and

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-Ninth Parliament be referred to the Committee.

Motion agreed to.

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Corbin, for the second reading of Bill S-208, to require the Minister of the Environment to establish, in cooperation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Honourable Senator Nolin*)

Hon. Pierre Claude Nolin: Honourable senators, I rise to take part in the debate at second reading on Bill S-208.

Last May, we began our study of this private member's bill, which calls on the Minister of the Environment, in cooperation with the provinces, to establish an agency with the power to identify and protect Canada's watersheds. Once adopted, this bill would compel the Minister of the Environment to conclude an agreement to establish a federal-provincial agency that would have the power to administer both federal and provincial laws on lands in a designated watershed.

In addition, this bill sets December 31, 2007, as the deadline for concluding the agreement or presenting a progress report to both the Senate and the House of Commons. Last May, a six-month

deadline seemed to me to be rather utopian. What about a six-week deadline?

We all support one of the objectives of this bill, which stands in the name of the Honourable Senator Grafstein, and that is to protect our drinking water resources in Canada. Canadians know that water is perhaps one of our most precious natural resources and affects every facet of our daily lives. It plays a crucial role in the health and well being of all Canadians and our aquatic systems. If we consider the importance of this issue, then all levels of government in Canada must play a role. However, as written, this bill poses a problem. To the current water management system, it would add an administrative level that would be expensive and far removed from the decision-making process on land use.

Honourable senators, when we examine bills, we need to keep in mind certain realities of our federal system of governance. In my eyes, this bill presents constitutional problems or complicates the division of powers, or both. Are we not required to respect the division of powers between the federal, provincial and territorial governments? In addition, would Bill S-208 duplicate certain legislative functions and other existing mechanisms, at both the federal and provincial levels? Is the purpose of the bill in line with what our provincial governments — or should I say the provincial governments of Canadians — expect of their federal government? From this perspective, Bill S-208 raises some serious questions.

Honourable senators, the fact is that the provinces have primary responsibility for water management and drinking water supply. Many aspects of land use planning and development, which can have an impact on water quality and availability, come under provincial jurisdiction.

Last May, I focussed on the following point. The proposals in Bill S-208 would conflict with this constitutional reality. When it comes to the supremacy of provincial jurisdiction in this matter, the words of our former colleague, Senator Gérald Beaudoin, bear repeating:

Jurisdiction over water, particularly water supply systems and water purification, falls under provincial jurisdiction.

With regard to property rights and civil law, our former colleague was of the opinion that the fundamental power lay with the provinces, as clearly established by section 92(13) of the Constitution Act, 1867.

Senator Beaudoin added:

Section 109 of the Constitution Act, 1867, provides that the provinces are the owners of the natural resources located on their territory. There is no doubt that water is a natural resource.

I would also like to remind honourable senators that Senator Beaudoin, when raising these issues, also mentioned the fact that another eminent constitutional expert, Dr. Hogg, in his book, *Constitutional Law of Canada*, was of the same opinion.

Consequently, we must ask ourselves if Bill S-208, which proposes to establish a new federal structure in an area of provincial and territorial jurisdiction, might not be poorly

received by some, if not all, provincial and territorial governments. Honourable senators, our federal system works best when each level of government respects the jurisdictions of the others, so as to meet the needs of our citizens.

Although it was introduced with the best intentions, Bill S-208 appears to violate the principle I just described. It is clear that the provinces are responsible for water and watersheds, with the notable exception of First Nations lands. It seems logical that Bill S-208, by placing some 21,000 municipal water systems under the responsibility of a single authority established through federal legislation, could represent an encroachment into provincial jurisdictions.

• (1600)

That being said, we should take into account certain issues related to watershed management. In my humble opinion, however, Bill S-208 is not the way to go.

Many of the provinces and territories have already implemented initiatives. Let us start by considering the situation in Quebec. In that province, integrated watershed management has been the primary focus since the water policy was adopted in 2002. The main objective of this policy was to reform water resource management. Under this umbrella policy, watershed management in Quebec was considered from both the local and the regional perspective. It is also based on an ecosystems approach, with a view to promoting sustainable development and protecting public health.

This policy considers watersheds as planning units for water quality. The purpose of all this is to better understand the problems related to water quality, supply and aquatic ecosystems, while trying to find sustainable solutions. The purpose of Quebec's watershed management policy is to make it easier to set priorities by taking into account the cumulative impacts on aquatic ecosystems.

The key players in watershed management in Quebec are the organizations responsible for the watersheds. These organizations consist of groups of stakeholders who participate in watershed management, such as regional county municipalities, towns, users, environmental groups and citizens. The main goal of these organizations is to establish a general plan for water, including the monitoring and analysis of the watershed, the problems to be resolved, directions to take and objectives to achieve. By adopting an integrated watershed management approach, Quebec's water policy has improved the establishment of consensus and the responsibility taken by the various stakeholders and the public in the management of water and aquatic ecosystems. Moreover, Quebec plays an international role in the integrated management of watersheds. It is a member of the International Network of Basin Organizations. Created in 1994, this network has 134 member organizations from 51 countries, including France, Poland, Algeria, Brazil, Mexico, Spain, Morocco, Hungary, Romania and the Ivory Coast. The network was even under Quebec's presidency from May 2002 to January 2004. Promoting the integrated management of watersheds as an essential tool for sustainable development is at the heart of the network's mission.

Honourable senators, I am mentioning parts of Quebec's watershed management policy to show that every Canadian province and territory already has, to varying degrees, its own

strategy in this regard. A comparative analysis of the experiences of the provinces and territories with respect to watershed management and efforts to ensure drinking water quality shows that this issue is not one that can be managed through a single pan-Canadian policy.

Ontario has its own measures to protect the drinking water supply, measures that require each municipality to implement watershed management and drinking water source protection plans.

The inquiry into the Walkerton tragedy resulted in a number of recommendations for concerted action on the part of the province and municipalities. In its Clean Water Act, Ontario adopted measures to protect drinking water supplies and required each municipality to implement watershed management and drinking water source protection plans. Their efforts, which focused on local, cooperative measures, should be recognized and supported, not relegated to the shadows by another, federal, water act.

Honourable senators, even taking into account these varying approaches, it is possible for the federal government to be involved in water issues, and that is the focus of this bill. The government's 2007 budget included a national water strategy and major strategic initiatives. By announcing a national strategy, the government made a commitment to water. The government has allocated \$35 million to freshwater initiatives, including \$11 million over two years to clean up the most seriously contaminated parts of the Great Lakes, \$5 million over two years for the International Joint Commission to study water levels in the Great Lakes, \$12 million over two years to help clean up Lake Simcoe, and a total of \$18 million in recently announced funding to clean up Lake Winnipeg.

However, federal measures mainly provide financial and scientific and technical support, as well as support for provincial and territorial efforts. The new infrastructure program will make it possible for the provinces, and therefore municipalities, to go ahead with large-scale projects to replace defective systems and thus to improve our management of the unique asset of drinking water. Minister Baird has also assured Canadians that the unprecedented \$33 billion infrastructure program, Building Canada, will provide stable and predictable long-term funding in support of infrastructure projects, particularly drinking water and wastewater treatment systems.

Consequently, rather than seeking to impose a federal superstructure, as proposed in Bill S-208, that would duplicate the efforts of provinces or interfere in their jurisdictions, federal efforts should be directed elsewhere. Specifically, they should focus on enhancing existing mechanisms in order to find ways of improving the management of our water systems and supporting, rather than overriding, the efforts and priorities of provincial and territorial governments.

The concept of negotiating mechanisms for the collaborative management and designation of watersheds proposed by Bill S-208 is already in the Canada Water Act, and has been since 1974. I would reiterate that this legislation requires serious revision. Its objectives are outdated and were made useless by successive governments since 1974, which failed to achieve the statute's practical goals by systematically refusing to implement its essential components. We should remember that in the past,

the federal government's coordinating role has taken the form of scientific advice, information and targeted programs, including significant investments in water purification infrastructure projects, which always supported provincial and territorial networks.

• (1610)

Adopting other cooperative management mechanisms is certainly a laudable goal, but we must never lose sight of the repercussions this could have on provincial and territorial authorities.

The federal government has designated water and watersheds as a priority and will consider negotiating on management issues in a broader policy context. Finally, our credibility in terms of federal action will be measured by ensuring that, on our part, we are consistent about what we expect from others.

The Report of the Commissioner of the Environment and Sustainable Development, tabled in the House of Commons in October 2007, shows that it would be in our best interest to take care of our own problems. A number of petitions have raised concerns about the management of our water and watersheds.

The vulnerability of water supply systems on Native reserves reminds us of our responsibility towards First Nations peoples. The title of the May 2007 final report of the Standing Senate Committee on Aboriginal Peoples is very telling: *Safe Drinking Water for First Nations*. This title urges us to consider the issue more comprehensively.

The May 2007 Senate report states:

Legislation to regulate water standards on reserve is required.

No one, including this Committee, argues differently.

Regulations are, however, only part of the answer.

Sustained investment in the capacity of First Nations community water systems and of those running the systems is absolutely essential to ensure First Nations people on-reserve enjoy safe drinking water.

Without this investment, we risk introducing a regulatory regime that burdens communities and does little to help them meet legislated standards.

Given the gravity of this health and safety issue, we count on the government to ensure this does not occur, and strongly urge the Department to take immediate action on our recommendations.

Before we tell the other levels of government what to do, we need to take a hard look at our own facilities and our own responsibilities.

SUBJECT MATTER REFERRED TO COMMITTEE

Hon. Pierre Claude Nolin: Honourable senators, notwithstanding rule 58(1)(e), I move:

That Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the

provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future, be not now read the second time but that the subject matter thereof be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources; and,

That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper and Notice Paper*.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and subject matter of bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Banks, for the second reading of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).
—(Honourable Senator Oliver)

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to join in the debate on Bill S-203, which would amend the provisions of the Criminal Code concerning cruelty to animals.

Senator Bryden kept his introductory remarks brief, pointing out that this bill is identical to Bill S-213 from the first session of this Parliament and everything that was said about the previous bill still applies to this one. I shall endeavour to respond in kind, but wish to stress a few key matters.

Although this is a reintroduction of a bill from the previous session, it is important to state for the record how this bill would amend the Criminal Code.

The current situation is that all cruelty to animal offences are subject to a summary conviction, with a maximum penalty of six months in prison and/or a fine of \$2,000. The only exceptions to these are offences involving cattle, which are indictable with a maximum penalty of five years. It is clear that these penalties are outdated and are not commensurate with the seriousness of these types of crimes.

Senator Bryden mentioned some of the horrendous cases of abuse which have been made public in recent months and years. I am sure that all honourable senators are aware of these cases and no further elaboration is required. Clearly, there is a need for increased penalties to show that society will not tolerate such acts.

This bill would make all cruelty to animal offences hybrid, meaning that the Crown can choose to prosecute by summary conviction or by indictment. It also changes the maximum penalties for various offences as follows: The maximum penalty for indictable offences for intentional cruelty and for causing pain, suffering or injury by failure to exercise reasonable care is increased to five years; the maximum penalty for the indictable offence of negligently causing injury during transport and abandoning or failing to provide adequate care to animals is increased to two years.

Currently, there is a maximum penalty of a two-year prohibition for someone convicted under the cruelty to animals provisions in which they are prevented from owning or residing with an animal. This bill removes that maximum penalty and instead gives the sentencing judge discretion to determine the appropriate length of the prohibition from owning or residing with an animal.

This bill also gives the judge the power to order that a convicted offender reimburse an organization or person for the reasonable costs of care for an animal, where such care is required. Finally, the bill includes a mandatory five-year prohibition on owning or residing with an animal for any subsequent offence.

Honourable senators, I am pleased to be able to inform you that the government supports the provisions of this bill, and the government agrees that there is a need to increase the maximum penalty for those kinds of offences.

Honourable senators will react with shock and dismay to stories of neglect and abuse. Society needs to express the repugnance we all feel with an appropriate level of sentencing for these crimes. This bill is a step toward that goal.

Honourable senators, I am sure that all of us are in favour of this bill and wish to see it returned to the other place in a speedy manner. Senator Bryden has correctly informed us that should this bill be sent to the other place within 60 sitting days of the new session of Parliament, it will be advanced to the stage that it was prior to prorogation.

I remind honourable senators that 60 sitting days will take us to March 2008. This is not an unreasonably short amount of time to study any bill, particularly one concerning a subject as important as the Criminal Code.

• (1620)

As the chair of the Standing Senate Committee on Legal and Constitutional Affairs in the last session, I can also say that we studied this bill in its previous incarnation in a thorough manner and we were quite satisfied that it was fair and balanced. The committee concluded that it was a proper adjustment to animal abuse sentences. These sentences were seen as too light, given the seriousness of the crimes they were intended to punish.

It is entirely appropriate that all relevant materials and documents that were used in the committee's previous study be available to the committee as it re-examines the bill. I commend the honourable senators for addressing that issue. I also urge the committee to consider its previous report on the bill, and I hope that we shall receive swift scrutiny. On the other hand, some time has passed since we dealt with this bill, and it is possible that new information or other factors have arisen that have affected deliberations. Due to this situation, I urge the committee to

exercise its due diligence. Given that Standing Order 86.2 in the other place can be invoked until March 2008, there is ample time for us in this chamber to re-examine the bill and consider the impact that any new information would have on it.

We all look forward to the day when our laws concerning the abuse of animals are brought into line with acceptable sentences. However, it is never wise to be too hasty in changing the Criminal Code, given the far-reaching and sometimes unexpected consequences that can flow from our decisions.

Honourable senators, in conclusion, it gives me great pleasure to stand today and recommend that Bill S-203 be read a second time and referred to committee.

I thank Senator Bryden for bringing this bill forward and helping to stimulate debate on this important subject.

The Hon. the Speaker pro tempore: It was moved by Senator Bryden that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

Hon. John G. Bryden: Honourable senators, with leave of the Senate, I move:

That the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs and, that the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-213 during the First Session of the Thirty-ninth Parliament, be referred to the committee.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Cowan:

That a Special Committee of the Senate be appointed to consider any matters relating to anti-terrorism that may be referred to it by the Senate from time to time;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Kinsella, Andreychuk, Nolin, Day, Fairbairn, P.C., Fraser, Jaffer, Smith, P.C., and Joyal, P.C., and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That the papers and evidence received and taken on the subject by the Special Senate Committee on the Anti-terrorism Act during the First Session of the Thirty-Ninth Parliament be referred to the Committee;

And on the motion in amendment of the Honourable Senator Sibbeston, seconded by the Honourable Senator Watt, that the motion be amended, in the second paragraph, by increasing the number of members from nine to ten and by adding the name of the Honourable Senator Cools after that of the Honourable Senator Smith, P.C.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): I will say a few brief points on this motion. We have the motion plus the motion in amendment. I note that the motion as proposed by our honourable colleague, Senator Tardif, mentions a number of senators who would form part of this committee. The designation of members to the committee is generally left up to our side. Therefore, if this motion were to pass, the names as referred to in the motion will not necessarily be the names of the persons ultimately to serve on this committee. We still consider it our prerogative to decide amongst ourselves who will sit on committees. We do not want the other side to take this motion to mean that they have the power to designate who our sitting senators on a committee will be.

With that said, I think we can proceed with this motion.

The Hon. the Speaker pro tempore: On the motion in amendment of the Honourable Senator Sibbeston, seconded by the Honourable Senator Watt, it was moved that the motion be amended, in the second paragraph, by increasing the number of members from nine to ten and by adding the name of the Honourable Senator Cools after that of the Honourable Senator Smith, P.C. Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: No.

The Hon. the Speaker pro tempore: Are senators ready for the question on the main motion?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by Senator Tardif, seconded by Senator Cowan — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion agreed to, on division.

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:

WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)

AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House since the constitutional agreement establishing its existence

AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum

THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the Referendum Act, the opinion of the electors of Canada on whether the Senate should be abolished; and

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Banks*)

Hon. Bert Brown: Honourable senators, I rise in opposition to the esteemed Senator Segal's motion to abolish the Senate if a majority of Canadians, in a referendum, wish to do so.

I am not opposed because it took 24 years of work to get here and my tenure in this chamber has so far been less than two weeks. Rather my opposition takes two forms. The last time I witnessed a referendum in Canada, it was not a binding referendum. It is likely not possible for a government to enact a binding referendum; it would be like asking victims to supply the rope for their own hanging.

Over the past generation, many polls have been conducted on whether Canadians want their senators elected. The first polls gave a simple majority to the "yes" side. Only months ago, the polls were 79 per cent for the "yes" side. Premier-elect Brad Wall

brought the province of Saskatchewan to the "yes" side the morning of November 8 with his recommendation to elect senators to future vacancies. That is my first point against the motion.

Second, the most compelling reason for this chamber to continue to exist even in its present state is the real fear of future prime ministers with a real majority in the House of Commons: excuse me — "that other place." Honourable senators, there are no constitutional limitations on the powers of a prime minister with a majority in that other place. While Canadians appear to be increasingly pleased with the current government and its prime minister, Senate reform, when it takes place, is for the next century or two. It is not for the tenure of any current government.

Since World War II, we have witnessed governments of numerous parties that were a direct cause of a debt of \$680 billion accumulated over a generation. This country will have paid \$2.78 trillion by the time that debt is retired. That is after 25 years at 5 per cent interest and payments of \$5 billion over those years.

At the end of the debt and deficit increases in 1993, this country was less than 18 months from having the International Monetary Fund tell us what we could and could not do with our federal taxes.

• (1630)

Honourable senators, I believe that the function a future senator can play is as an effective counterbalance to the other place. A counterbalance with a legitimate vote to protect our country against future internal threats more than justifies the Senate's cost. For that reason, honourable senators, I oppose the abolition of this chamber by referendum or any other means.

Honourable senators, I want to speak about loyalty and party discipline. I was honoured to place a wreath at the regimental war museum in Calgary November 11 on behalf of the Government of Canada. I believe the cause of World War II to be blind loyalty to, first, the National Socialist German Workers' Party, also known as the Nazi Party of Germany; second, the same blind loyalty to the National Fascist Party of Italy; and, finally, a Japanese emperor who believed he was a god. His subjects believed him and gave them their blind loyalty and trust. As a result of those blind loyalties to parties and to a religion, we, the human race, killed 50 million people.

In 1993, I was commissioned by the Canada West Foundation to interview former and current MLAs across Canada and former and current MPs, and my conclusions were published in the 1993-94 summer edition of the *Canadian Parliamentary Review*. Since then, I have not changed my belief that unquestioning blind loyalty to any philosophy or leader is the most dangerous thing that can happen in a democracy.

Honourable senators, I believe that this chamber's best service to this country will occur when elected senators truly represent the wishes of the people of their home provinces, not the political philosophy of past prime ministers. Blind, unquestioning allegiance in politics or religion may again move us to problems within Canada and abroad.

Senator Brown: Yes, I would.

Senator Fraser: It is a slightly mischievous question, but I am sure he has heard such questions before.

I think the honourable senator knows that I also do not support Senator Segal's perhaps equally mischievous motion. My attention is caught by his wholly accurate, I believe, remarks about referendums not being binding. However, as I was listening, I remembered that this man is the same one who twice participated in, and indeed won, a vote that was not binding. Are we talking about sauce for the goose or sauce for the gander? Can Senator Brown explain his logic?

Senator Brown: Honourable senators, the Alberta Senatorial Selection Act was vetted by the Alberta Intergovernmental Affairs department through the Department of Intergovernmental Affairs of the federal government. It is a legal act respecting both the Constitution of Canada and the Province of Alberta. However, it is not binding, to use Senator Fraser's words, simply because it leaves the Prime Minister with the right to decide whether to address politically the wishes of the people of the province depending upon how strong the Prime Minister feels those wishes are.

Hon. Hugh Segal: I appreciated and enjoyed the speech of my honourable colleague. Would he accept the premise that, on occasion, issues like reform of the Senate toward the electoral model, of which he has been a stout defender, can be helped when the public is involved in a referendum to express their views? While Senator Brown may disagree with the question I have proposed, does he not think that a referendum about the future of the Senate to consult formally the public for the first time in 140 years would help the cause of reform generally, as he and I agree that abolition is not in the national interest?

Senator Brown: Every time Senator Segal speaks he moves this debate forward. I appreciate him engaging me in debate on it and I welcome anyone else to engage as well.

A referendum would require a tremendous amount of education by the government, either from this chamber or the other, to inform Canadians about the importance of the Senate, about what it can and cannot do, in order that they could vote for it or against it knowledgeably.

We went through that process in Charlottetown in 1992. I spent five days in the Pearson Building talking about those very things. I also took part in four of five national meetings in Halifax, Toronto, Calgary and Vancouver to try to educate Canadians on what the Senate is all about, and what it can and cannot do. Because so many things were included in that referendum, it failed by the vote of nine provinces. Unless the a referendum is on a single issue that would lead to a constitutional amendment for that purpose only, I think it would fail again.

On motion of Senator Banks, debate adjourned.

Hon. Joan Fraser: Would Senator Brown accept a question?

THE SENATE

MOTION TO URGE GOVERNMENT TO NEGOTIATE FREE TRADE AGREEMENT WITH EUROPEAN UNION—DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of October 17, 2007, moved:

That the Senate call upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement, in order to encourage investment, free movement of people and capital.

He said: Honourable senators, I will speak briefly this afternoon in support of this motion that I moved in the last session of Parliament. I previously spoke on this motion in May of this year and will not reiterate any of the points I made at that time.

I will stress a few points this afternoon. The best way to prevent all our manufacturing jobs being exported to China and Asia is to begin to work together by reducing some of the existing trade barriers between the European Union and Canada and the rest of this hemisphere.

Second, if a free trade agreement were put together between Europe and Canada, we would bolster economic relations with the largest single marketplace in the world and Canada's second-largest trading partner next to the United States.

Third, supply management is an important element of our economic construct and must be maintained, but if we can reduce other non-agricultural tariffs currently imposed, we could produce an increase of 11.2 per cent in bilateral trade, adding \$2.4 billion to Canada-EU economic activity on an ongoing basis. As a society, we need to have more aggressive trade commitments. Bringing our European colleagues to the table would be a constructive step forward.

[Translation]

The Premier of Quebec, Mr. Charest, proposed a free trade agreement between Europe and Canada at the most recent conference in Davos.

• (1640)

[English]

Chancellor Merkel, as the head of the European Union, has also proposed a new transatlantic trade initiative in this regard. While it is important that we look to Asia and to the economic opportunities there, we should not lose track of the core relationship with our European allies, colleagues and fellow travellers.

The gesture that Europe is now trying to make towards an invigorated transatlantic relationship gives us a chance to get ahead of other nations on this issue. At some point, it is likely that the United States themselves may choose to open such a dialogue, having indicated some openness to that aspect after the last U.S.-EU summit in May. We have a chance in this chamber to encourage some sense of getting ahead of the curve, advancing the proposition and putting the idea before the government in a sustained and constructive way for their consideration. Further to the Canada-EU summit in June, the Minister of Foreign Trade,

Mr. Emerson has created working groups within the Department of Foreign Trade. This represents a chance to make greater progress on some of the technical issues. The motion before honourable senators today represents a way for this chamber to encourage and expedite the process of expressing our support for this development in Canada-EU relations.

Honourable senators, I ask that you give this motion your very most reflective and constructive consideration.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, with the consent of my colleague, I wish to ask a question. If this motion is passed, to which committee do you want it to be referred?

Senator Segal: I think it should be referred to the Foreign Affairs and International Trade Committee.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I notice that no reference to a committee is mentioned in Senator Segal's motion. Was that intentional? Should the motion not be amended so as to refer the matter to a committee? As drafted, the motion is calling for the Senate to rule on the issues.

Senator Segal: I will take the honourable senator's advice concerning a reference to a committee. If an amendment is necessary, I will move one. I think, however, that referring the subject matter of the bill to a committee will give us an opportunity to go into the details and hear government employees. I am prepared to move an amendment, as suggested to me by the Deputy Leader of the Government.

Senator Comeau: We could discuss further who should move the amendment to the motion. It is my understanding that unanimous consent of the chamber is necessary for the motion to be adopted. The amendment could be moved by other senators.

On motion of Senator Tardif, debate adjourned.

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS—DEBATE ADJOURNED

Hon. Mira Spivak, pursuant to notice of October 23, 2007, moved:

That the Senate urge the Government of Canada to update the 1989 Phosphorous Concentration Regulations to prevent the growth of toxic algae in Canada's lakes, rivers and streams.

She said: Honourable senators, I believe that there are two bills in the other place on this same issue. It is quite timely for the Senate to look at this matter because those two bills may never see the light of day in this chamber.

Honourable senators, for a time in the late 1960s, nothing concerned legislators more than the notion that millions of North Americans — with the push of a button on their washing machines — were killing the Great Lakes. Lake Erie was characterized as a “dead lake.” In the United States alone, some 10,000 others were affected by eutrophication — or excess loading of chemical nutrients, primarily phosphates.

Back then, the detergents poured into those washers were laden with phosphates — phosphates that do not, on their own, clean anything. Phosphates are “builders” that help other chemicals in detergents remove dirt more easily and at lower concentrations. Spurred on by public outcry, the U.S. Congress, in 1967, created a joint industry-government task force on eutrophication. Three years later, a congressional committee determined that the task force was not moving quickly enough.

The tipping point was evidence from Canada’s world-renowned scientist, David Schindler. Working at a pristine little lake near the Ontario-Manitoba border, Dr. Schindler and his team had dammed the lake and loaded half of it with phosphates. The result was captured in a famed aerial photograph that showed half the lake undamaged, and the other half green and blooming with algae.

Phosphorous is a ubiquitous, essential element — essential to plant growth. As Dr. Schindler clearly demonstrated, too much of this good thing can be harmful. When phosphates from millions of drains — or from farmers’ fields — enter water, they become fertilizer for algae. When algae blooms — changing freshwater into a green, scummy soup — it depletes oxygen, kills fish and worse. Blue-green algae can release toxins that kill animals in a matter of minutes and, if ingested by people, can damage their livers and central nervous systems. Just swimming in water tainted with blue-green algae can cause skin irritation and gastrointestinal problems.

As a result of this famed photograph, the congressional committee recommended that detergents be phosphate-free by 1972. In response, industry agreed to limit phosphates in laundry detergents voluntarily, but no federal legislation was ever passed.

In this country, since 1972 the phosphorous concentration in laundry detergent has been reduced to 2.2 per cent, where it stands today under the Canadian Environmental Protection Act. With that, legislators in both countries assumed that the problem was solved.

However, the Statistics Canada *Daily* report of Monday, October 15, 2007, had this to say about today’s water quality and phosphorous:

The report found that phosphorous was a major concern for surface freshwater quality in Canada. Phosphorous levels in Southern Canada did not meet the water quality guidelines for aquatic life over half the time at 127 of 344 monitoring sites.

This past summer and early fall, in Quebec alone, officials issued blue-green algae alerts for 158 lakes. That meant that people could neither drink the water nor swim or wade in it. The

west end of Hamilton Harbour, Alberta’s Pigeon Lake, Bass Lake in the Algoma region of northwestern Ontario, and Yarmouth County Lake in Nova Scotia, plus two others in Digby County, and of course Lake Memphremagog in Quebec were all affected. In Lake Winnipeg, in the past 11 years, barely a year has gone by when the lake was clear of blooms — surface blooms of algae covering thousands and thousands of acres.

Algae also caused a shutdown this summer of the nuclear power reactor at Pickering on Lake Ontario, as it did two summers ago, the same year it caused a shutdown at the Darlington generating station. Algae build-up on screens and filters reduces the flow of cooling water to the reactors. In the last dozen years, algae-fouling of cooling water intakes has cost Ontario Power Generation more than \$30 million in lost power generation.

• (1650)

The problem is by no means specific to Canada or to North America. Government officials issued warnings this summer in southwest Wyoming and in Kansas, where cattle died within 30 minutes of drinking contaminated water. Warnings were issued in Oregon, New Hampshire, Indiana, New York State, as well as other locations.

Internationally, blue-green algae caused concern from Manchester to Sydney, Australia. Perhaps nowhere is the scourge more pernicious than in the newly industrialized districts of China, where officials have been forced to close factories to salvage the drinking water of millions — not that the factories do not open again.

Today, high concentrations of phosphates are still found in most common dishwashing detergents and in commercial and household cleaners from scrubbing agents to soaps. Lawn fertilizers also overload waterways with the nutrient when people feed their lawns before heavy rains.

For decades, farmers have spread manure and phosphate-rich fertilizers over fields to increase crop yields. Phosphorous leaches into the soil and, because soil in the Midwest in particular does not bind it, it finds its way into streams whose banks are unprotected by vegetation.

Phosphorous-rich fertilizers and manure from factory-style pig farms and chicken farms spread on fields, also migrate to lakes when rivers swell into flood waters, as they have repeatedly in my province of Manitoba since the mid-1990s.

This past summer a conference in Montreal drew 1,400 delegates from 65 countries to share what they knew about blue-green algae. The view posed by David Bird, ecology professor at the Université du Québec à Montréal, blames the weather as well as phosphate pollution.

The increasing occurrence of extreme weather — heavy downpours, droughts and warmer temperatures — all signs of climate change — wash phosphorous-laden topsoil into streams and lakes, increase evaporation that increases phosphorous concentration and prolong the season for algae growth.

As global warming is the price we must pay for loading our atmosphere with greenhouse gases, toxic algae is nature's payback for overloading our land and our fresh waterways with phosphorous. We can only expect even more algae blooms if we do nothing to change our habits.

There is one aspect of the problem very particular to Manitoba, as Christine Melnick, Minister of Water Stewardship for the Government of Manitoba, told a Commons committee last June. Lake Winnipeg is unique among great lakes in the world for the sheer size of the drainage basin relative to lake surface. For every square kilometre of lake there is 40 square kilometres of drainage basin — about 1 million square kilometres in total in parts of Alberta, Saskatchewan, Manitoba and Ontario, as well as the four states of Montana, North Dakota, South Dakota and Minnesota.

The only solution for Lake Winnipeg, in addition to the international agreements that have been concluded, are Canada-wide policies and regulations for phosphate reduction, including for cleaning products such as dishwashing detergents.

To put it another way, what goes down the drain in Edmonton ends up in Lake Winnipeg. Provinces cannot effectively act alone. While agricultural runoff is widely held to be the major contributor to phosphorous loading of fresh water, eliminating phosphate from detergents is widely held as an easy and valuable step.

Last year, the Manitoba government placed a moratorium on new or expanded hog barns. Since 1999, it has spent or committed to spend some \$130 million on water and waste water treatment infrastructure.

Last month, the Government of Manitoba held consultations on proposals to restrict the application of lawn fertilizers for cosmetic purposes and to reduce phosphates in household cleaning products.

Manitoba would prefer not to go it alone on a ban, or a near ban, on phosphates in dishwashing detergent. It wants to work with the federal government, and with other provinces and territories, to develop a national approach. Hopefully, the Senate can help speed up that process by passing this motion.

The federal government, from all reports, is non-committal. While Manitobans eyed the Throne Speech for some indication, Premier Doer promised that if there was no mention of phosphates Manitoba would bring down legislation next month. The Province of Quebec has indicated that it will not wait. It will introduce a regulation this fall to prohibit phosphates in dish soaps and other detergents. It will also try to get the blue-green algae under control by planting trees along shorelines, beefing up the inspections of home and boat septic systems, and getting farmers to adopt practices that are less polluting.

As this bandwagon was rolling, the body that might have stood on the road, the Canadian Consumer Specialty Products Association, hopped on board late last month. This association

of manufacturers of detergents and other cleaning products said it wants the government to amend the Phosphorous Concentration Regulations under CEPA to dramatically reduce the content of dishwasher detergent by July 2010.

Whether this is soon and comprehensive enough is a matter we could investigate in committee, but it is encouraging.

The Government of Canada, for its part, has only announced a \$1-million grant to the Cooperative de solidarité du bassin de la Rivière-aux-Brochets for a pilot project to help decrease the occurrence of blue-green algae in the Missisquoi Bay area of Quebec. That is \$1 million to help 60 farmers plant perennial crops near shorelines as well as for scientists to monitor runoff and water quality.

Honourable senators, no new regulation is a no-brainer. Updating the phosphorous concentration regulations may be as close as it gets for any level of government. We have the science, we have the sorry impact of doing nothing, we have the support of the provinces most severely affected and we have the industry calling for action.

Therefore, I would hope that the Senate consider this motion favourably and perhaps influence the federal government to also get aboard.

Hon. Tommy Banks: Honourable senators, I know that this is unusual, but the term that was used by Senator Spivak is exactly right. This is a "no-brainer." This does not need any serious consideration beyond that which is already given. The Phosphorous Concentration Regulations were one of the very best things that were done by Mr. Mulroney's government. That is a good process. This motion simply recognizes the fact that when it was done in 1989 the world was a different place. There were things that were different then from the way they are now. This motion urges the government to update those existing regulations within the act in which they currently exist.

This is a no-brainer. The study, if we were to do one — and I would be happy for the committee of which I have the honour to be a member to undertake such a study — would arrive at the conclusions that have just been expressed to us by Senator Spivak. The conclusions are right. Senator Spivak urge the government to update existing regulations within existing law and I now move that the Senate approve the motion before us.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the motion proposed by Senator Banks is not a motion as such.

• (1700)

[English]

We have a long-standing tradition in this place when someone moves such a motion as that of Senator Spivak. We may all be in agreement, for that matter, but we usually allow adjournment and debate. The honourable senator mentioned that the Government of Brian Mulroney brought in these Phosphorous Concentration Regulations and, in fact, he has been named one of the greenest prime ministers this country has ever had. I agree with that statement.

Senator Banks mentioned that the motion does not need to go to the committee, and I agree with him. In fact, the motion does not request that it be referred to committee. It simply asks that this chamber adopt the motion.

Having said that, let us have a debate on it. It might be a short debate of one or two days, but let us have a debate.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

The Senate adjourned until Wednesday, November 14, 2007, at 1:30 p.m.

CONTENTS

Tuesday, November 13, 2007

	PAGE		PAGE
SENATORS' STATEMENTS			
Remembrance Day		Notice of Motion to Authorize Committee to Continue Study on National Security Policy and Refer Papers and Evidence from Previous Parliaments.	
Hon. Elizabeth Hubley	170	Hon. Colin Kenny	173
Visit of Dalai Lama		Notice of Motion to Authorize Committee to Study Veterans' Services and Benefits, Commemorative Activities and Charter.	
Hon. Consiglio Di Nino	170	Hon. Colin Kenny	174
Remembrance Day		National Finance	
Hon. Joseph A. Day	170	Notice of Motion to Authorize Committee to Engage Services.	
Canadian Student Debating Federation		Hon. Joseph A. Day	174
Hon. Hugh Segal	171	Notice of Motion to Authorize Committee to Permit Electronic Coverage.	
Remembrance Day		Hon. Joseph A. Day	174
Hon. Jane Cordy	171		
Cost of Post-secondary Education		<hr/>	
Hon. Donald H. Oliver	171	QUESTION PERIOD	
<hr/>			
ROUTINE PROCEEDINGS			
Canadian Forces Provost Marshal		The Right Honourable Brian Mulroney	
2006-07 Annual Report Tabled.		Alleged Cash Payments—Public Inquiry.	
Hon. Gerald J. Comeau	172	Hon. Céline Hervieux-Payette	174
Transport and Communications		Hon. Marjory LeBreton	174
Report Pursuant to Rule 104 Tabled.		Hon. Lorna Milne	175
Hon. Lise Bacon	172	The Right Honourable Stephen Harper	
National Security and Defence		Correspondence from Karlheinz Schreiber.	
Report Pursuant to Rule 104 Tabled.		Hon. Grant Mitchell	175
Hon. Colin Kenny	172	Hon. Marjory LeBreton	175
Public Service Employment Act (Bill S-219)		The Honourable Marjory LeBreton	
Bill to Amend—First Reading.		Correspondence from Karlheinz Schreiber.	
Hon. Pierrette Ringuette	172	Hon. Grant Mitchell	176
Canada-Europe Parliamentary Association		Hon. Marjory LeBreton	176
Economic Affairs and Development Committee Meeting and Third Part of Ordinary Session, June 22 to 29, 2007—Report Tabled.		The Right Honourable Stephen Harper	
Hon. Francis William Mahovlich	172	The Honourable Peter MacKay	
The Senate		Lists of Donors to Leadership Campaigns.	
Notice of Motion to Televisе Proceedings.		Hon. Wilfred P. Moore	176
Hon. Hugh Segal	173	Hon. Marjory LeBreton	176
Transport and Communications		The Right Honourable Brian Mulroney	
Notice of Motion to Authorize Committee to Engage Services.		Alleged Cash Payments—Public Inquiry—Appointment of Third Party Adviser.	
Hon. Lise Bacon	173	Hon. Anne C. Cools	177
Notice of Motion to Authorize Committee to Permit Electronic Coverage.		Hon. Marjory LeBreton	177
Hon. Lise Bacon	173	Hon. Tommy Banks	177
Notice of Motion to Authorize Committee to Continue Study on Containerized Freight Traffic and Refer Papers and Evidence from Previous Session.		The Honourable Marjory LeBreton	
Hon. Lise Bacon	173	Contact with Right Honourable Brian Mulroney—Involvement with Karlheinz Schreiber.	
National Security and Defence		Hon. Jane Cordy	177
Notice of Motion to Authorize Committee to Permit Electronic Coverage.		Hon. Marjory LeBreton	178
Hon. Colin Kenny	173	Hon. Joan Fraser	178
Notice of Motion to Authorize Committee to Engage Services.		Hon. Marilyn Trenholme Counsell	178
Hon. Colin Kenny	173	Delayed Answers to Oral Questions	
		Hon. Gerald J. Comeau	179
		Speech from the Throne	
		Measures to Address Post-secondary Education Issues	
		Question by Senator Tardif.	
		Hon. Gerald J. Comeau (Delayed Answer)	179
		Public Works and Government Services	
		The Auditor General's Report—Industrial Security of Classified Information in Awarding Contracts.	
		Question by Senator Hervieux-Payette.	
		Hon. Gerald J. Comeau (Delayed Answer)	179

	PAGE
The Senate	
Motion to Strike Special Committee on Aging— Clarification on Procedure.	
The Hon. the Speaker <i>pro tempore</i>	180

ORDERS OF THE DAY

Canada-United States Tax Convention Act, 1984 (Bill S-2)	
Bill to Amend—Second Reading.	
Hon. W. David Angus	180
Referred to Committee.	
Hon. W. David Angus	180

Criminal Code (Bill C-13)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Donald H. Oliver	180
Hon. George Baker	182

Speech from the Throne	
Motion for Address in Reply—Debate Continued.	
Hon. Lucie Pépin	183
Hon. Elizabeth Hubley	183
Hon. Maria Chaput	185

The Estimates, 2007-08	
National Finance Committee Authorized to Study Supplementary Estimates (A).	
Hon. Gerald J. Comeau	187
National Finance Committee Authorized to Study Main Estimates and to Refer Documents and Evidence of Previous Session.	
Hon. Gerald J. Comeau	187

Drinking Water Sources Bill (Bill S-208)	
Second Reading—Debate Continued.	
Hon. Pierre Claude Nolin	187
Subject Matter Referred to Committee.	
Hon. Pierre Claude Nolin	189

Criminal Code (Bill S-203)	
Bill to Amend—Second Reading.	
Hon. Donald H. Oliver	189
Referred to Committee.	
Hon. John G. Bryden	190

The Senate	
Motion to Strike Special Committee on Anti-terrorism Adopted.	
Hon. Gerald J. Comeau	191

The Senate	
Motion to Urge Governor-in-Council to Prepare Referendum on Whether the Senate Should be Abolished—Debate Continued.	
Hon. Bert Brown	191
Hon. Joan Fraser	192
Hon. Hugh Segal	192

The Senate	
Motion to Urge Government to Negotiate Free Trade Agreement with European Union—Debate Adjourned.	
Hon. Hugh Segal	193
Hon. Eymard G. Corbin	193
Hon. Gerald J. Comeau	193

The Senate	
Motion to Urge Government to Update Phosphorus Concentration Regulations—Debate Adjourned.	
Hon. Mira Spivak	193
Hon. Tommy Banks	195
Hon. Gerald J. Comeau	195



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5





CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 11

OFFICIAL REPORT
(HANSARD)

Wednesday, November 14, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, November 14, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE NAVY

Hon. Hugh Segal: Honourable senators, since November 2006, Canadian naval operations and deployments have spanned the globe from Canada's North to the Baltic Sea, South Africa, the Caribbean, and the western coast of South America. The effects of these deployments have been far-reaching and it is those effects that contribute to Canada's influence in the world.

Global deployments are vital to maintaining maritime security in challenging conditions. Since May, the Canadian Navy has been involved in such diverse operations as support to high level meetings in the Caribbean; contributions to NATO exercises such as Noble Mariner in the Baltic Sea; and part of the standing NATO Maritime Group 1's circumnavigation of Africa; working with western hemisphere navies off the Panama Canal; and asserting Canadian sovereignty in the Arctic.

At the end of 2006, Canada concluded its one-year command of NATO's high readiness maritime response group, SNMG1, commanded from the flagship destroyer, HMCS *Iroquois*. This group of ships from NATO navies patrolled the Atlantic and Mediterranean with a purpose to interdict those who would use the sea for unlawful purposes.

The presence of the HMCS *Toronto* and other NATO ships off the coast of Somalia, where piracy is enabled by lawlessness ashore and feeds that lawlessness in turn, is a positive effect on maritime security and the merchant ships that rely on that security to deliver food aid ashore.

Early in 2007, HMCS *Ottawa* returned from duty in the Arabian Sea as Canada's twentieth ship deployed to that region under the UN mandated operation called Op Altair. The benefit of enhanced maritime security is delivered by our deployments to the coalition effort in the Gulf. The tangible effect of the deployments of HMCS *Fredericton*, HMCS *Toronto* and HMCS *Regina* demonstrated that the navy could deploy ships to conduct the three core missions for Canada simultaneously, and could do so effectively: HMCS *Fredericton* in the Arctic for Operation Nanook asserting Canadian sovereignty and security; HMCS *Regina* in South America supporting Canadian foreign policy abroad; and HMCS *Toronto* in the Arabian Sea executing NATO high readiness group responsibilities for sea control, sea denial and maritime power projection in defence of Canadian and allied global objectives and commitments.

• (1335)

In summary, colleagues, domestic security activities, supporting other government departments and participating in collective global defence while projecting Canadian values is what the navy is doing for us now at sea. As we look forward to 2008, whether

deployed for Operation Altair, Southpoy, NATO operations and exercises or domestic operations, the navy will deliver maritime security while projecting Canadian interests and values off almost every continent and in every one of the world's oceans.

Please join me in honouring and recognizing these brave men and women of the Canadian navy, whose military, security, diplomatic and safety role on and beneath the seas have never mattered more to national security, Canadian sovereignty and global, diplomatic and economic progress worldwide.

**BRIGADIER-GENERAL (RET'D)
EDWARD A.C. "NED" AMY**

Hon. Wilfred P. Moore: Honourable senators, today, three days after Remembrance Day, I wish to speak about one of Canada's three most decorated military men, Brigadier-General (Retired) Edward A.C. "Ned" Amy, recipient of the Distinguished Service Order, an Officer of the Order of the British Empire, and recipient of the Military Cross, the Canadian Decoration and the American Bronze Star.

Ned Amy was a feisty, fearless tank commander. A 1939 graduate of Royal Military College of Canada, he commanded A Squadron of the Calgary Regiment in Italy, where he won the Military Cross for his "determined and gallant leadership in taking and holding a vital bridgehead over the Moro River" with his Sherman tanks in December, 1943.

He arrived in Normandy, France on July 26, 1944, seven weeks after D-Day. Three days later, then-Major Amy commanded a troop of the 22nd Guard Grenadier Canadian Armoured Regiment in the fight for Gretheville. During the next five weeks, he participated in all the battles that led to the liberation of Normandy. His regiment was awarded four distinctions for its action in the Battle of Falaise. He led an attack against Kurt Meyer's notorious 12th SS Panzer Division that resulted in the liberation of Cintheaux and Bretteville. From August 14 to 17, 1944, his unit was committed to the battle of Rouves, where his tank was destroyed. Finally, he took part in the fights of Falaise against elements of the 3rd SS Panzer Division and the 2nd SS Panzer Grenadier Regiment. After the Battle of Normandy, his unit went into action on the Seine and Somme Rivers, liberating many towns and villages and taking many German prisoners. In the closing months of the war, he fought in Belgium and Germany, where he was wounded. After the war, he remained in the Canadian Forces and retired as a Brigadier-General in 1972.

On July 18, 2007, Olivier Nicholas, Consul-General of France for Atlantic Canada, in a ceremony at Halifax, Nova Scotia, recognized the exemplary service of Ned Amy when he was awarded the prestigious Legion d'honneur, France's highest distinction. In the citation, Mr. Nicholas stated that Ned Amy "demonstrated outstanding bravery in France during the fiercest battles of World War II."

The award presented to Ned Amy by France was a fitting tribute to a real Canadian hero — a hero in the truest sense of the word.

Until recently, Ned resided at Indian Point, Lunenburg County; he now lives in Halifax, where he is an ardent advocate for the reactivation of the Halifax Rifles as a reconnaissance unit.

I congratulate Brigadier-General Amy, and I thank him and those who served under his command for their service to Canada. I am proud to be his friend.

THE SASKATCHEWAN PARTY

CONGRATULATIONS ON ELECTION VICTORY

Hon. David Tkachuk: Honourable senators, all of you interested in environmental issues will be pleased to know that on November 7, a gust of fresh air blew through the province of Saskatchewan. In a triumph of common cause, the people of Saskatchewan completed what they started four years ago, and soundly defeated the NDP and the NDP's main issue — the question of equalization as presented by the Government of Canada. Perhaps most significant, the NDP garnered only 37 per cent of the vote — down from 45 per cent in 2003 — the lowest percentage of the popular vote for them previous to 1944, when the CCF gained power in Saskatchewan under Tommy Douglas.

• (1340)

The Saskatchewan Party garnered 52 per cent of the vote and the Liberals 10 per cent. These percentages translated into 38 seats for the Saskatchewan Party, 20 seats for the NDP and none for the Liberals. The Saskatchewan Party also made breakthroughs in urban areas of our province, with two new seats in Saskatoon and three in Regina. These upsets were not confined to the main urban centres; Yorkton, Moose Jaw and Prince Albert seats, held by the NDP for at least 15 years, were captured by the Saskatchewan Party. I congratulate all who worked so hard for this victory, especially the Leader of the Saskatchewan Party, Premier Brad Wall. At the age of 41, he has the vision and energy to transform the province. I believe that they will govern in a manner that will allow all of us in our province to achieve our economic and social potential.

COMMEMORATION OF KRISTALLNACHT

Hon. Yoine Goldstein: Honourable senators, last week we commemorated the sixty-ninth anniversary of Kristallnacht, which occurred on November 10, 1938. Kristallnacht, literally the “night of glass,” commemorates that night sixty-nine years ago when organized groups of Nazis and other hooligans systematically attacked Jews, their synagogues and other institutions throughout Germany — an evening best symbolized in the memory of those who are able to remember by the picture of the Great Synagogue of Berlin in flames and enveloped in smoke.

November 10, 1938, marked the more formal beginning of the brief and painful march to the Shoah — the systematic annihilation of 6 million Jews, as well as others — Roma,

homosexuals and dissidents — who were ruthlessly and systematically murdered and burned so that they might eternally disappear, by that metaphor for base human evil, Nazi Germany.

Glass and windows were not the only things shattered on that night. The soul of humanity was equally shattered commencing that night and continuing for some years because the world stood and watched the systematic debasement of the human soul and was deaf to the cries for help by those hapless victims.

After the war — but only after the war — the world adopted a motto to salve its conscience. It said, “Never again.” However, the world only said it and did not mean it. We watched in literal silence as the genocide in Rwanda unfolded. We do nothing and we do not even know about the multiple genocides that are taking place right now predominantly, but not exclusively, in Africa.

Honourable senators, all human rights abuses and all systematic exterminations are the embodiment of evil. Their nature is always the same and always abhorrent. Only the numbers differ and the numbers are so high that we cannot imagine them. The human mind can only comprehend tragedy in single digit numbers and cannot comprehend tragedy when it afflicts dozens, hundreds, thousands and millions.

We are watching another horrible genocide unfold before our eyes in Darfur. Honourable Senator Dallaire has spoken in this chamber, with the eloquence and the baring of the soul which is his own. Others have also spoken in this chamber about Darfur. The All-Party Parliamentary Group for the Prevention of Genocide and Human Rights Abuse held its annual general assembly on October 30. At that meeting, an ambitious program was put forth to try to bring the Darfur tragedy more prominently to the attention of Canadians. Honourable senators will be receiving notices from time to time of events marking the ongoing nature of this tragedy.

• (1345)

HUMAN TRAFFICKING AT 2010 VANCOUVER WINTER OLYMPICS

Hon. Mobina S.B. Jaffer: Honourable senators, the 2010 Olympic Games must be trafficking-free. The Future Group released a critical report in early November warning Canada that the 2010 Olympics in Vancouver will provide the ideal climate and business opportunity for human traffickers. It says the games are a potential flashpoint for human trafficking. The report, entitled *Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics*, details a startling link between international sporting events and an upsurge in the demand for prostitution, which can fuel human trafficking. It specifically found that there was an increase of 95 per cent in the number of human trafficking victims identified by Greek authorities during the 2004 Olympic Games in Athens.

The concerns, based on the Athens Games, are twofold: first, that a short-term increase in demand for prostitution during the games could be filled by human trafficking victims; and second, that the traffickers may attempt to bring trafficked persons posing as “visitors” into Canada for the Olympics, only to exploit them in other cities or transit them to the United States.

For the upcoming Olympic Games in London, this threat is being taken seriously. A new assistant police commissioner has been appointed with a mandate that includes preventing human trafficking as a by-product of hosting the games.

Estimates outline that more than 4 million girls and women are sold worldwide into prostitution, slavery or forced marriage. The U.S. suggests smaller numbers for global trafficking, between 600,000 and 800,000, and estimates yearly trafficking into the United States at 14,500 to 17,500, 80 per cent of whom are female.

Honourable senators, Canada is no exception to this problem. Our country is both a destination and a transit country for victims of trafficking from Eastern Europe, China, Southeast Asia and Latin America. The RCMP conservatively estimates that between 800 to 1,200 people are victims of human trafficking in Canada each year, and most end up working in forced labour or the illegal sex trade. NGOs, however, estimate this number is as high as 16,000. Logically, because of its covert nature, trafficking is difficult to quantify. What is certain is that trafficking of human beings is an undesirable by-product of globalization, and the Olympic Games in Vancouver has the potential to exacerbate this issue.

Honourable senators, our government must not stand by idly. It must have a plan in place for the anticipated human trafficking associated with this event. While we are celebrating the achievements of our athletes and enjoying the games, it would be atrocious to think we had turned a blind eye to the widespread sexual exploitation of women just a stone's throw away from the stadium.

Honourable senators, our goal must be to ensure that the Vancouver Olympic Games in 2010 are free of human trafficking and sexual exploitation of women and children, both within Canada and abroad.

SENATORIAL DELEGATION TO ALBERTA

OVERVIEW OF GAS INDUSTRY AND OIL SANDS PROJECT

Hon. James S. Cowan: Honourable senators, just prior to the parliamentary break, in the company of Senators Cochrane, Furey, Spivak and Smith, I travelled to Calgary, Fort McMurray and Edmonton to learn more about the Alberta oil and gas industry, and particularly the oil sands project. Our visit was at the invitation of our colleague Senator McCoy, who, together with her staff, organized a full and informative program.

In addition to eye-opening tours of Fort McMurray and the Alberta heartland petrochemical complex, near Edmonton, we received presentations on the economic, social and environmental impacts of these developments. We met with leaders of business and labour, with government officials, with representatives of social agencies, Aboriginal and environmental groups, as well as elected officials from the provincial and municipal levels of government.

All of us were profoundly moved not only by the magnitude of these developments, but also by the opportunities and challenges which are confronting the communities in which they take place.

The economic, social and environmental impacts of these developments transcend municipal and provincial boundaries. They are of national and international importance. We are grateful to Senator McCoy and her staff, as well as to all those in the public and private sectors who took the time to meet with us during our visit.

I commend Senator McCoy for her initiative and suggest that it is an example that all of us should follow. This great national institution is ideally suited to promote that kind of exchange of information and ideas so that we can all learn more about the regions of our country, the effect of climate change in the North, the offshore situation on the East Coast, the challenges affecting the manufacturing sector in Ontario and the problem of homelessness in our urban centres.

• (1350)

As senators, we have a special responsibility and a unique opportunity to use our position in this place to promote the understanding of important issues which often fail to receive the kind of careful consideration they deserve in the other place.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Ms. Josefina de la Caridad Vidal Ferreiro, director of the North American Division of the Cuban Ministry of Foreign Affairs. She is accompanied by His Excellency Ernesto Antonio Senti Darias, Cuba's Ambassador to Canada. They are the guests of the Honourable Senator Ringette.

On behalf of all honourable senators, welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

PROPOSED REGULATIONS AMENDING THE CITIZENSHIP REGULATIONS (ADOPTION) AND REGULATORY IMPACT ANALYSIS STATEMENT

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, proposed regulations amending the Citizenship Regulations (adoption) and regulatory impact analysis statement.

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

GOVERNMENT RESPONSE TO INTERIM REPORT
ON HUMAN RIGHTS COMMITTEE Tabled

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, pursuant to rule 28(3), the government response to the twelfth report of the

Standing Senate Committee on Human Rights, entitled *Canada and the United Nations Human Rights Council: at the Crossroads*, tabled in the last session of the Senate on May 10, 2007.

[English]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED AND ADOPTED

Hon. Hugh Segal, Chair of the Senate Committee of Selection, presented the following report:

Wednesday, November 14, 2007

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to the order of the Senate adopted on Thursday, November 1, 2007, your Committee submits herewith the list of Senators nominated by it to serve on the following committee:

SPECIAL SENATE COMMITTEE ON AGING

The Honourable Senators Carstairs, P.C., Chaput, Cools, Cordy, Johnson, Mercer and Nolin.

Pursuant to Rule 87, the Honourable Senator LeBreton, P.C. (or Comeau) and the Honourable Senator Hervieux-Payette, P.C. (or Tardif) are members ex officio of each select committee.

Respectfully submitted,

HUGH SEGAL
Chair

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

Senator Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be adopted now.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 104 TABLED

Hon. Wilbert J. Keon: Honourable senators, pursuant to rule 104 of the Rules of the Senate, I have the honour to table the first report of the Standing Committee on Rules, Procedures and Rights of Parliament. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 110.)

• (1355)

SENATE REFORM

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. W. David Angus: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Senate Reform. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 111.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Tommy Banks: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 111.)

[Translation]

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Standing Senate Committee on National Finance, which outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 112.)

PROPOSED REGULATIONS AMENDING THE CITIZENSHIP REGULATIONS (ADOPTION) AND REGULATORY IMPACT ANALYSIS STATEMENT

NOTICE OF MOTION TO REFER PROPOSED REGULATIONS TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the document entitled *Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement*, tabled in the Senate on Wednesday, November 14, 2007, be referred to the Standing Senate Committee on Social Affairs, Science and Technology for consideration and report.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION TO SLOVENIA AND PARLIAMENTARY ASSEMBLY OF COUNCIL OF EUROPE, SEPTEMBER 27-OCTOBER 5, 2007— REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association, respecting its participation in the parliamentary mission to the country that will next hold the Presidency of the Council of the European Union, and also to the fourth part of the 2007 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Ljubljana, Slovenia and Strasbourg, France, from September 27 to October 5, 2007.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

• (1400)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO MANDATE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and

- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development.

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2009, and that the Committee retain until September 30, 2009, all powers necessary to publicize its findings.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REQUEST TRANSCRIPTS OF IN CAMERA MEETINGS

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Chair and Deputy Chair be authorized to request transcripts for in camera meetings be produced, when deemed necessary, for the use of the Chair, Deputy Chair, the members of the committee, the Clerk of the Committee and its analysts in accurately reflecting the discussions of the Committee in minutes and draft reports; and

That these transcripts be destroyed at the end of a session.

[Translation]

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS— SCOPE OF PUBLIC INQUIRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. After trying to suppress the Mulroney-Harper-Schreiber affair and denying allegations of corruption, the government wound up with its back to the wall and had no choice but to call a public inquiry. Can the Leader of the Government confirm that the commission's mandate will include both an inquiry into the allegations of corruption against the former Conservative government and an investigation of the actions of the current Prime Minister's Office in this affair?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for her question.

As I reported yesterday, the Prime Minister, upon hearing new allegations in the form of a sworn affidavit last Friday morning, immediately took action. As we know, he announced an independent third-party adviser to advise the government on how to proceed.

This action then evolved over the weekend with various people, including the honourable senator's own party, Mr. Mulroney and Mr. Schreiber, calling for a public inquiry, although the Prime Minister did have difficulty yesterday convincing the Liberal leader.

• (1405)

The third-party independent adviser will be given the responsibility of advising the government on the terms of reference of the public inquiry. Beyond that, there is nothing else to report at this time.

[Translation]

Senator Hervieux-Payette: Honourable senators, I understand that this is an embarrassing situation for the government. However, I think that my colleagues, the Canadian people and I would like to know more about what happened with the letters. We would also like some assurance that the inquiry will address this specific question and that we will get the real facts about the letter Mr. Schreiber sent to Mr. Harper and about how it came to pass that such an important letter was not given to the Prime Minister.

[English]

Senator LeBreton: Honourable senators, it is very clear — and I think most reasonable people would agree — that this particular matter has absolutely not one single thing to do with this government. The sense I have from emails and phone calls I have received from people across the country is that they agree. They

know this affair has nothing to do with this government and they also do not believe for a moment that Mr. Harper has anything to hide.

It is clear that Mr. Schreiber was sending many letters to many people, including members of the opposition, and some members of the opposition have said that they threw those letters out.

There is absolutely nothing new from what I said yesterday. The Prime Minister was not aware of any correspondence from Mr. Schreiber. As I said yesterday, this issue has been floating around for four or five years, even before our party came into government. This situation arose as a result of a new sworn affidavit from Mr. Schreiber last Friday. The Prime Minister felt he had to take action because it directly impacted on the Office of the Prime Minister.

[Translation]

Senator Hervieux-Payette: I have not yet received an answer about the letters. However, I would like to remind my colleagues that in the British parliamentary system, elected officials are the ones who are responsible in the end, and they cannot avoid their obligations by hiding behind public servants.

My question is simple. Will all letters sent to the Prime Minister's Office in March, June, July or other months be turned over to the commissioner heading the inquiry?

[English]

Senator LeBreton: I imagine that once the independent adviser has been chosen, that individual will want to look at all files, all material and allegations related to this matter, including correspondence that Mr. Schreiber may have sent to parliamentarians of all political parties.

Senator Angus: Oh, standing tall!

Senator Mitchell: If you are going to refer to my height, I will say I am at least as tall as you are round!

The Hon. the Speaker: Order.

• (1410)

THE HONOURABLE MARJORY LEBRETON

GOVERNMENT OF THE RIGHT HONOURABLE BRIAN MULRONEY— OBSERVANCE OF UNUSUAL EVENTS

Hon. Grant Mitchell: Honourable senators, it is becoming evident that through an increasingly clear web of relationships and staffing and appointment choices by Prime Minister Harper, he has begun to draw this Airbus scandal from the past directly into his office. Is it not interesting to note that the Leader of the Government in the Senate was a very influential member of Brian Mulroney's prime ministerial office when Norman Spector was the chief of the cabinet in that office? Interestingly, in addition, Mr. Spector has stated that he observed "some unusual things" while working for former Prime Minister Mulroney. Mr. Spector now says that in light of new information he finds these unusual things to be troubling.

Could the Leader of the Government in the Senate tell us whether she is aware of unusual things, she is troubled by those things and whether she ever briefed Prime Minister Harper on those troubling and unusual things?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I actually answered that question yesterday. I was in the Prime Minister's Office, I was very proud to serve in the Prime Minister's Office from 1986 to 1993 and, as I mentioned yesterday, my office was on the second floor. I always kept my office door open, possibly because I am a kind of nosey person and I wanted to know who was going back and forth in the hallway.

The entire time that I worked in the Office of the Prime Minister — and I think I could say the same for my colleague, Senator Segal, who was also a chief of staff to the Prime Minister — never in all those years was I ever put in a situation or asked to do something with which I was not totally comfortable. The office was totally honest and totally ethical. In terms of Mr. Schreiber, as I said yesterday, I actually never heard of the man until two or three years after Mr. Mulroney left office. I never heard of him, I never laid eyes on him.

Senator Tkachuk: Marc Lalonde heard of him, though.

Senator LeBreton: That is true.

Therefore, I cannot comment on something that Mr. Spector may or may not have said, wherever the honourable senator heard it.

Senator Mitchell: She took an awfully long time not to comment.

GOVERNMENT OF THE RIGHT HONOURABLE
BRIAN MULRONEY—INVOLVEMENT
WITH FRANK MOORES

Hon. Grant Mitchell: Honourable senators, perhaps the leader did not know Mr. Schreiber for quite a while, but was she aware of Mr. Frank Moores and did she work with Mr. Moores in any capacity — he was close to the Prime Minister — while he lobbied on behalf of Airbus from within the Prime Minister's Office?

The Hon. the Speaker: Order, order.

The tradition of this house is that all honourable senators are treated as honourable senators and addressed as such.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did know the late Premier of Newfoundland and Labrador, the Honourable Frank Moores. The only time I worked closely with Mr. Moores was in the 1970s when I was working in the office of the Right Honourable Robert L. Stanfield, and Mr. Moores was the President of the Progressive Conservative Party of Canada.

Senator Mitchell: Could the Leader of the Government in the Senate please confirm for us that Mr. Moores was on the board of directors of Air Canada while he was receiving cash payments from Karlheinz Schreiber for the sale of the Airbus fleet?

Senator LeBreton: Honourable senators, I think Senator Mitchell should check his facts, I think they are quite wrong.

Senator Mitchell: I am checking them. I am asking the question.

• (1415)

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—
PUBLIC INQUIRY—RECOMMENDATIONS
OF THIRD PARTY ADVISER

Hon. Tommy Banks: Honourable senators, my question is directed to the Leader of the Government in the Senate.

The Prime Minister has said that he will appoint an independent third-party adviser to advise, as the leader said yesterday, the government on the terms of reference of the forthcoming public inquiry with respect to the matters now being discussed.

Will the report of that adviser, per se, be made public?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I answered that question yesterday. First, the Prime Minister and the government must appoint this independent third-party adviser. As the Prime Minister indicated last Friday at his press conference, the government would be compelled to take the advice of the independent third-party adviser. As we know, events over the weekend evolved to the point where yesterday the Prime Minister, in the House of Commons, said that, in view of all the people calling for a public inquiry, he would ask the third-party adviser to look at this matter and make recommendations to the government on the terms of reference of the inquiry. It is obvious that the recommendations would be public; otherwise we could not have a public inquiry.

Senator Banks: I thank the honourable senator for repeating the preamble to my question, but to confirm, she has said that the recommendations of the third-party adviser will, in themselves, be made public?

Senator LeBreton: Honourable senators, I do not know how the government, having turned to a third-party independent adviser, would ask this individual to draft the terms of reference for a public inquiry and then the terms of reference somehow would not be public. I do not understand the tenor of the question.

Senator Banks: I understand that the terms of reference of the public inquiry will be public. Will the recommendations of the independent third-party adviser be made public so they can be seen as one and the same thing?

Senator LeBreton: I will take that question as notice. We should await the name and exact mandate of this person.

[Translation]

PARLIAMENT

CRIMINAL CODE—PROGRESS OF BILL S-213
REGARDING LOTTERY SCHEMES

Hon. Jean Lapointe: Honourable senators, it will certainly do the Leader of the Government in the Senate good to be asked a question that is not about the issue that has been on everyone's lips since Question Period began.

As the Leader of the Government knows, she possesses extraordinary qualities that I mention every time I have the opportunity to speak to her. But as much as she is an outstanding and sometimes very fast skater — although today I have found her slower than usual, but that is another matter — the Conservative leadership is proving that, with her way of delaying Bill S-213 on video lotteries, she seems to be able to skate backwards.

When this bill received second reading in the House of Commons, the vote was 159 to 109.

Does the Leader of the Government not realize that by delaying the adoption of this bill, she is going against even her government's democratic logic? Not only have my honourable colleagues in this chamber adopted this bill twice, but the elected representatives in the other place have voted to study it in committee.

Because Parliament was prorogued, the bill came back here to the Senate, and I can understand that rule. But why are some members of the Leader of the Government's caucus deliberately delaying the adoption of this bill when it has already been examined by two different committees that have issued their reports and it has twice been adopted by the Senate? I would also like to mention that our Speaker voted in favour of this bill.

• (1420)

In case you are not aware, nearly 78 per cent of Canadians support this bill. New Brunswick supports it and has just eliminated half of its video lottery terminals.

Does the Leader of the Government not believe that the Conservative Party should go back to the drawing board with regard to its plans to reform the Senate, because Bill S-213 proves that this party is sabotaging the institution?

Before you answer this multi-part question, I must tell you that if something does not happen in the next week, I will be forced to hold a press briefing to tell Canadians about this. The Leader of the Government can take me at my word.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I understand how strongly the senator feels about this legislation. To be honest, I am not aware of what is happening to the legislation. I will take the question as notice and hopefully I will be able to give a response before the honourable senator feels compelled to draw attention to this issue and call a press conference. I will take the question as notice.

JUSTICE

2010 VANCOUVER WINTER OLYMPICS— PREVENTION OF HUMAN TRAFFICKING

Hon. Mobina S. B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last week, The Future Group released a report warning that the Vancouver Winter Olympics will be a target of human traffickers wanting to exploit prostitution. The report, *Faster, Higher Stronger: Preventing Human Trafficking at the 2010 Olympics*,

said the federal and provincial governments need to deter traffickers from using the Vancouver Winter Olympics to profit from human misery. The 2012 Olympic Games in London are already taking this threat seriously. They have appointed a police commissioner to deal specifically with this issue.

What is the government's plan to deal with human trafficking at the 2010 Vancouver Winter Olympics?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that question is a serious one and, as the honourable senator knows, Member of Parliament Joy Smith, a member of our own caucus in the other place, has travelled across the country and addressed this serious issue before Parliament and other groups. Ms. Smith has been named as the Chair of the Standing Committee on Health in the other place, a good position in which to pursue this issue.

I am aware of many initiatives the government plans to take regarding this terrible, potential situation. However, to pass on the proper information and details regarding those plans, I would like to have the opportunity to provide senators with a written answer.

2010 VANCOUVER WINTER OLYMPICS— LEGALIZATION OF BROTHELS

Hon. Mobina S. B. Jaffer: I have a supplementary question. I thank the Leader of the Government in the Senate for giving me a detailed answer.

Recently, a group of Vancouver prostitutes wanted to open a co-op brothel in time for the Winter Olympics. The group has support from some B.C. politicians, including Vancouver East M.P. Libby Davies and Vancouver Mayor Sam Sullivan. They say they will not open doors for business until it has the support from the federal government.

Studies show that more than 90 per cent of women are not in the sex trade by choice but rather because of trafficking, drug addiction and societal problems. The Minister of Public Safety has been silent on this issue. What is the position of the federal government on making brothels legal?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. There is no question that people involved in this activity are often victims of drug addiction and other unhealthy circumstances. I will take the question as notice.

• (1425)

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS— PUBLIC INQUIRY—TERMS OF REFERENCE

Hon. Yoine Goldstein: Honourable senators, the Prime Minister said a couple of weeks ago that an inquiry was unnecessary and indeed harmful. The Prime Minister then said that he would name some very wise people to advise him on the matter. The Prime Minister then said that he would name one individual to help him to deal with the terms of reference.

My question is directed to the Honourable Leader of the Government in the Senate. There are hundreds of professors, lawyers and jurists who can draft terms of reference in a few hours, and everyone knows it. Why does the Prime Minister not proceed right now, as a previous prime minister proceeded, to obtain terms of reference and establish the judicial inquiry rather than wait and hope for the matter to go away?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this issue has been around for several years. Allegations have circulated and there was a court case between two individuals, Mr. Mulroney and Mr. Schreiber, while in the private sector. If there had been any serious criminal allegations or any sworn affidavits, the government of the day — first under Mr. Chrétien then under Mr. Martin — surely would have taken action. They did not act because all of this information was the same old information regurgitated and recycled.

The story continued to circulate and Mr. Harper was dealing with the same information as his two predecessors, Mr. Martin and Mr. Chrétien. It was only last Friday morning, when new information was provided in the form of a new sworn affidavit, which contradicted previous affidavits, did the Prime Minister then believe that he should take action because the new allegations implicated the Office of the Prime Minister. The Prime Minister announced last Friday that he would appoint an independent third party. At the time, and honourable senators can read the press reports, when the Prime Minister was asked what kind of person he was looking for, he said that it was difficult to find such a person because, in this town, many people have been connected to this particular file in one way or another, whether in the Department of Justice or other areas. Therefore, the individual chosen would have to be not only perceived to be, but also seen to be completely independent of the matter. That was the situation as of last Friday.

Over the weekend, the opposition parties continued to demand a public inquiry and were joined by Mr. Mulroney. In response to these requests, as I read into the record yesterday, and it is in Hansard for easy reference, the Prime Minister said that an independent third party adviser would be charged with the responsibility of looking at this situation and devising a set of terms of reference for the public inquiry. He made it clear that the inquiry is not to be about Mr. Mulroney's interests nor the interests of Mr. Schreiber, and hopefully, it would not be a political witch-hunt. Rather he hoped it would be an inquiry to get to the facts and the truth of the matter in the interests of Canadians.

That is where the situation stands. As soon as the Prime Minister and the government have the name of the individual, I will be happy to provide it to this chamber.

Senator Goldstein: Honourable senators, I have a supplementary question in the form of a limerick:

A man we all know named Brian
Is now looking like he'd been a-lyin'
A government probe
Would reveal a whole lode
But the neo-Cons ain't even tryin'.

The honourable leader has elevated the non-answering of questions to a fine art form.

• (1430)

My question was clear. Why is the government naming an individual to determine terms of reference when we have hundreds of lawyers and professors in the region who could prepare the terms of reference in two hours and proceed with the inquiry?

Senator Tkachuk: You will never be happy with whoever it is.

Senator LeBreton: Honourable senators, as the Prime Minister stated, this individual must be seen and perceived to be completely independent and not to have been involved in this matter in way, shape or form.

There is hardly such a person in the City of Ottawa. However, I will now tell honourable senators that the independent third-party adviser has been named; it is Dr. David Johnston, who is the President of the University of Waterloo.

ALLEGED CASH PAYMENTS— CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Yoine Goldstein: Honourable senators, the minister told us that the Prime Minister's office did not refer the letters to the Prime Minister because they had to do with a court case. Could the Leader of the Government provide this chamber with the date upon which Mr. Harper first read one of the Schreiber letters, and could she table copies of the letters that the Prime Minister's office received from Mr. Schreiber, their date stamp indicating when they were received and with an indication of which people in the Prime Minister's office or the Privy Council Office read copies of the letters and the date on which each of them read each letter?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Obviously, the honourable senator does not read *The Toronto Star*. All of this information is already in the public domain.

Senator Fraser: Was that a supplementary?

Senator Goldstein: Yes. Let me give you another limerick that should tell the story.

Mulroney is the ex-P.M.'s name,
But we are on to his game.
To the neo-Cons' disgrace
He is trying to save face,
But Canadians know whom to blame.

Some Hon. Senators: Order!

ALLEGED CASH PAYMENTS— INSTRUCTION BY PRIME MINISTER ON CONTACT

Hon. Yoine Goldstein: Honourable senators, the Leader of the Government in the Senate has been told by the Prime Minister not to talk about the Mulroney-Harper affair or to Mr. Mulroney. Has it occurred to her or to the government that notwithstanding the Prime Minister's efforts to the contrary, this is a free country, including freedom of speech, and that the Prime Minister has no right to abrogate that freedom for

anybody, notwithstanding the fact that he has done so? What message is being given to Canadians when elected members of Parliament are unable to speak to Canadians about matters which concern Canadians?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know where the honourable senator is getting that information. Elected people are completely free to speak to Canadians.

Actually, I think the tenor of the question and the way it was presented is a disgrace. It does a great disservice to the Senate of Canada and to the Parliament of Canada.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Munson on October 17, 2007, regarding child poverty.

SPEECH FROM THE THRONE

MEASURES TO COMBAT CHILD POVERTY

(Response to question raised by Hon. Jim Munson on October 17, 2007)

Like most countries, Canada has no official poverty line. Instead, a range of measures are used to assess low income. However, the most widely-known and commonly-used of these measures is the Statistics Canada post-tax Low Income Cut-offs (LICOs). The LICOs represent the level of income under which a family is likely to spend a disproportionate share of its income on food, shelter and clothing compared to the average Canadian family. LICOs vary by family and community size to reflect the differences in family needs and local costs. They are updated annually to reflect changes in price levels using the Consumer Price Index and periodically revised to take into account changes in the spending patterns of Canadian families.

The post-tax LICOs are more commonly used than other measures for two reasons: first, post-tax low income rates better reflect the redistributive impact of the tax and transfer systems than pre-tax post-transfer low-income rates; and second, since the purchase of necessities such as food, shelter and clothing is done using disposable income, it is more relevant to use an after-tax income definition in drawing any conclusions on the overall economic well-being of Canadians.

With that in mind, using post-tax LICOs, Statistics Canada's most recent annual report on incomes, *Income in Canada 2005*, shows that:

- In 2005, the low-income rate for children was 11.7 per cent, which represents 788,000 children living in low income.

- The low-income rate for children declined significantly in recent years, from 18.6 per cent in 1996 to 11.7 per cent in 2005. This means that nearly half a million fewer children were living in low income in 2005 compared with a decade ago.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, for the second reading of Bill S-3, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

Hon. David Tkachuk: Honourable senators, I move second reading of Bill S-3.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

[Translation]

REFERRAL TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Special Senate Committee on Anti-terrorism.

[English]

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Leonard J. Gustafson moved second reading Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

He said: Honourable senators, one of the pleasures and privileges of our work in this chamber is our role in moving valuable public policy from concept to completion. This is true of all legislation that receives Senate approval and later receives Royal Assent, but it is particularly true in the case of Bill C-11.

With the passage of this progressive legislation, we will finally achieve a full and honourable settlement of the last Inuit land claim in Canada. This bill will bring a conclusion to work that dates back to the passage of the groundbreaking James Bay and Northern Quebec Agreement of 1975.

While a major milestone in land claims negotiations, and a triumph of contemporary relations between Aboriginal and non-Aboriginal Canadians, the James Bay Agreement left some important issues unresolved. It did not address the Inuit's claim of offshore islands and marine areas in the region.

The bill before us will settle this outstanding business. After 13 years of negotiations, the Nunavik Inuit Land Claims Agreement will bring closure to the Inuit people of Northern Quebec, and complete an important chapter in our country's history.

Bill C-11 provides clarity over rights of ownership and the use of lands and the resources of the Nunavik Inuit traditional territories. The agreement provides for 5,100 square kilometres of islands north of the fifty-third parallel for the exclusive use of the Nunavut Inuit — a vast area that has been part of their heritage for more than 4,000 years.

In so doing, this settlement will preserve the culture and livelihood of the Nunavut Inuit. Just as crucial, by approving this legislation, we are protecting the land, the wildlife that roams across the Arctic tundra and the marine resources in the coastal waters. This is in keeping with the government's pledge under the Northern Strategy to protect our environmental heritage.

Honourable senators, as much as this legislation is about reconciling the past, it is equally about building a bright future for northerners, another of the Northern Strategy commitments. As a result of Bill C-11, Nunavik Inuit not only will regain the right to exercise their traditional way of life; they will also acquire new resources to build a stronger economy and a society for themselves and for their children.

• (1440)

This agreement includes a cash settlement of \$54.8 million (in 2005 dollars), to be paid out over nine years to the Nunavik Inuit Trust. These funds will be distributed to Nunavik Inuit, both individually and collectively, for educational, social, cultural and socioeconomic needs. As well, Makivik Corporation, the Inuit-owned, non-profit organization that serves as the legal representative for the Nunavik Inuit, will receive approximately \$38.7 million to administer the final agreement on their behalf. Makivik has been responsible for the implementation of the James Bay and Northern Quebec Agreement and has enjoyed outstanding success in the years since it came into force.

However, that is not all, honourable senators. The settlement gives Nunavik Inuit fee-simple ownership of approximately 80 per cent of the islands in the Nunavik Marine Region. This ownership includes both surface and subsurface rights.

In addition, the agreement stipulates that Nunavik Inuit will receive 50 per cent of the first \$2 million in annual royalties generated by resource development in the region and 5 per cent of any additional resource royalties received by the government that year.

Nunavik Inuit will also benefit from future economic development in fisheries. For example, in the offshore Labrador portion of the agreement, the fisheries minister will offer Nunavik Inuit 10 per cent of any new commercial fishing licences — or, in the case of shrimp, 8.8 per cent of the quantity available to be harvested — under any new licences issued after the agreement

comes into effect. They will also be offered 10 per cent of any new licences for aquatic plants in these areas.

Honourable senators, this legislation is also in the best interests of all Canadians. The agreement enables the establishment of Canada's newest national park, the 42nd in Canada and the first ever in Labrador. Torngat Mountains National Park, one of the most spectacular parks ever created, covers an area of almost 10,000 square kilometres, from Saglék Fjord in the south to the northern tip of Labrador, and from the provincial boundaries of Quebec in the west to the Labrador Sea in the east.

This is a land that inspires our dreams and our identity as Canadians, a vital part of our national heritage that our government is determined to protect as we continue to assert Canada's sovereignty in the Arctic.

Of particular interest to the Nunavik Inuit, the Nunavik Inuit Park Impacts and Benefits Agreement enshrines their rights as partners in the stewardship of the park. It will highlight the unique relationship Inuit have with the land and its natural ecosystems. They will have the right to continue harvesting its natural bounty, hunting and gathering as they have for generations. As well, Nunavik Inuit will participate as members of the cooperative management board overseeing park operations and have the right to joint ownership of archaeological material.

Just as important, they will have access to the new jobs and economic spinoff opportunities associated with the park, both now and in the future. In short, this settlement provides the tools and resources to enable the people of Nunavik to build stronger communities as they help to build a better Canada.

Honourable senators, ultimately, all Canadians are benefactors of successful land claims settlements, because we are all stronger when each and every member of society is able to achieve his or her potential and contribute talents and energies to our country.

Anyone looking for evidence need look no further than the James Bay and Northern Quebec Agreement. Over the past three decades, Makivik Corporation has invested funds received from land claims settlements to create, finance and grow Inuit-owned businesses, resources, properties and industries. Today, the corporation is active in everything from air transportation, shipping, logistics and fuel, to fashion and tourism. It employs over 1,500 Canadians in the settlement areas itself, as well as in several provinces and territories, and it employs others who work abroad in Greenland and the United Kingdom.

Clearly, the Inuit of Northern Quebec have proven that, given the opportunity, the sky is the limit. Honourable senators, it is now up to us to support Bill C-11, to give Nunavik Inuit the remaining tools and resources they need to reach for the northern star.

I call on my honourable colleagues to ensure the speedy passage of this worthy legislation so that Nunavik Inuit can realize their potential fully. As we do, we can take pride in the part we play in lifting lofty words from paper and making them a reality, fulfilling the promise of "the true north, strong and free."

Hon. Tommy Banks: Will Senator Gustafson accept a question?

Senator Gustafson: Yes.

Senator Banks: I may stand to be corrected. This bill before us gives effect to a treaty, to an agreement that is defined in the bill as a treaty. My recollection is that in that treaty, in consideration, if I can put it that way, for the fee-simple and the surface and subsurface rights that the honourable senator spoke about, and in consideration of the cash payments and royalty arrangements, et cetera, the people who are involved and who are party to this agreement agree to an extinguishment of their rights, or some of their rights, under the Charter.

That is my recollection of the agreement, and I think it is correct. Does the honourable senator agree that any of Canada's First Peoples should, in response to an inducement of one kind of another, however well-intentioned it is, agree to the extinguishment of their Charter rights?

• (1450)

Senator Gustafson: I understand that is not the case. I could be corrected. If I am speaking out of turn here, I am sure my officials will straighten me out on the issue.

Much of what we are dealing with comes from agreements, if you will, that were made back in the 1800s, some in 1975, and so on. This bill brings together a clear understanding of exactly where these areas are. For instance, supposedly a hundred islands were not included in the agreements, and the bill clarifies things such as that.

Senator Banks: I understand that it brings certainty to the lands that are envisaged in the agreement, but the rights to which I refer are the individual rights of the people who are a party to this agreement. My understanding — and I hope that the honourable senator is right and I am wrong — is that in the agreement that is given effect by this bill, those people have agreed, through the corporation, to the extinguishment of some aspects of their individual rights under the Charter. That is hardly a question. I hope that the honourable senator is right and that I am wrong.

Senator Gustafson: I will give the same answer I gave before.

Hon. Jeremiah S. Grafstein: I agree with Senator Banks, that issue is a concern. It was a concern, as the honourable senator will recall, with the Nisga'a agreement, that there was some reference to subordinating the Charter and the federal power under that agreement. This issue was a concern to me. The bill passed. It has never been challenged in the courts. I assume if it were challenged in the courts it would be a serious problem. I assume that when this bill is referred to the committee, the question of constitutionality and the extinguishment of any rights will be considered. In my view, it would be unconstitutional.

Senator Gustafson: The honourable senator answered my question for me. This matter can be brought out in committee and discussed. I am sure that our officials will guide us in regard to this question.

Senator Grafstein: The honourable senator knows that I, Senator Watt and others have been concerned about the federal responsibility for the provision of clean drinking water

nationally, but also more specifically, clear and unequivocal jurisdiction with respect to the Aboriginal communities in these areas. Will the power of the federal government to regulate water in these lands be in any way diminished by this agreement?

Senator Gustafson: This government believes that it is important to have good drinking water. This bill will, however, give us an indication of where the water line lies around the different land bases; for instance, the bays that surround the land.

Senator Grafstein: Honourable senator, when the matter is referred to committee, I hope that this question of the federal powers with respect to the health and welfare of the individuals of these communities is taken into account, and particularly their right to clean drinking water.

On motion of Senator Watt, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Consiglio Di Nino: Honourable senators, over the past dozen years, Canada's role on the world stage has declined. Honourable senators, thanks to the actions of this government, Canada is back as a credible global player.

The Speech from the Throne is a clear statement that we are a proud and sovereign people, one that will rigorously defend our place in the world.

We are a northern nation. As new opportunities emerge, bringing challenges from beyond our shores, we need an integrated northern strategy that will strengthen our sovereignty, protect our environment, promote economic and social development, and improve governance.

This government will build a world-class Arctic research station to focus on Arctic issues, including environmental science and resource development.

Defending our sovereignty in the North and through the Northwest Passage requires new Arctic patrol ships and expanded aerial surveillance. The government will also expand the size and capabilities of the Arctic Rangers to better patrol our vast Arctic territory.

We will modernize our military to protect our nation, and cooperate in defending our continent and meeting our commitments to the United Nations and our allies. A comprehensive plan for reservist reinstatement policies is part of that work.

In Afghanistan, we are making a positive difference in the lives of its citizens as part of an important and necessary United Nations sanctioned mission. Parliament has already approved our involvement in this mission until February 2009 and the government has been clear that any future military deployments must be supported by a majority of parliamentarians. However, we must not simply abandon the people of Afghanistan. We need to build on what we have already accomplished and concentrate additional resources to train the Afghan army and police, enabling Afghanistan to defend its own sovereignty, a task we believe should take until 2011.

In what can be described best as a pragmatic and balanced approach, the government chooses to fully examine all the options available through an independent panel to determine the best path for our future in Afghanistan. I would like to congratulate former Deputy Prime Minister John Manley for putting aside partisan interests and agreeing to chair the panel.

Clearly, our relations with the world and, in particular, with our neighbours to the south have come a long way since the days some Liberal MPs rudely expressed their disdain for an entire nation, using words that would be inappropriate to repeat in this chamber.

Gone are the days of disproportionate cuts to our budgets for the Department of National Defence, as well as other international departments and agencies, taking with it our right to a strong international voice. They have been replaced by a mature and focused approach to world affairs, one that more accurately reflects our true position of leadership on the international public square. Clearly, our international relations have come a long way in the past 21 months.

Perhaps the former government's somewhat opportunistic approach to world affairs is reflected best in the admission of senior Liberal adviser Eddie Goldenberg that they had no plan and were not ready to take any action on Kyoto. As Mr. Goldenberg told *The Globe and Mail* last February:

Nor was the government itself even ready at the time with what had to be done. The Kyoto targets were extremely ambitious and it was very possible that short-term deadlines would at the end of the day have to be extended.

In Victoria last year, Mr. Dion even stated that Jean Chrétien had only proposed the stringent targets in Kyoto to trump the Americans. This government, honourable senators, will only make commitments it intends to keep.

On the environmental file, I am frankly surprised that colleagues opposite continue to criticize this government. They are reminding Canadians of the previous government's failures. The much-touted Kyoto Protocol continues to be undermined by a variety of analysts.

• (1500)

In a recent article in the journal *Nature*, entitled "Time to Ditch Kyoto," Gwyn Prins of the London School of Economics and Steve Rayner of Oxford University said that Kyoto is:

... a symbolically important expression. . .

Of governments' concerns,

... but as an instrument for achieving emissions reductions it has failed. It has produced no demonstrable reduction in emissions or even in anticipated emissions growth. And it pays no more than token attention to the needs of societies to adapt to existing climate change.

The article continues:

The Kyoto Protocol was always the wrong tool for the nature of the job.

As well, Mr. Bjorn Lomborg in his book entitled *Cool It: The Sceptical Environmentalist's Guide to Global Warming* is extremely critical in the cost benefit analysis. In part he says:

... the costs associated with an emissions-stabilization program are relatively large for current generations and continue to increase over the next 100 years. The first generation to actually benefit from the stabilization program is born early in the 24th century.

Honourable senators, this government recognizes that the environment is an important issue and that climate change is a serious problem requiring immediate action.

A sustainable solution needs binding global targets that apply to all major emitters of greenhouse gases. The government will continue to work towards a new international agreement to cut global emissions in half by 2050. We are leading by example, by implementing a strategy to cut our own emissions by 20 per cent by 2020 and by 60 to 70 per cent by 2050.

The Liberals talked often about Kyoto during their 12 years in office, but did nothing about it. It was on their watch that Canada's greenhouse gas emissions rose by 27 per cent. This has led to a gap of almost 33 percentage points between where we are and our target under Kyoto.

Last year, the Leader of the Opposition in the other place conceded that a future Liberal government would be unable to meet its Kyoto commitment of reducing greenhouse gas emissions below 1990 levels.

An article from the *National Post* of July 1, 2006, quotes Mr. Dion as saying:

In 2008, I will be a part of Kyoto, but I will say to the world I don't think I will make it.

Oddly enough, by December last year he insisted that we could meet Kyoto.

During last year's Liberal leadership debate in Toronto, Mr. Michael Ignatieff accurately and succinctly summed up the Liberal record on the environment when he admitted that, "We didn't get it done."

Canadians are deeply concerned about the environment. They want focused action, not partisan talk. Focused action is precisely what this government is providing.

Prime Minister Harper and Alberta Premier Ed Stelmach recently announced the formation of a task force to drive implementation of a carbon dioxide capture and storage system for Canada.

The Canada-Alberta ecoENERGY Carbon Capture and Storage Task Force will develop a comprehensive blueprint for using cutting edge, made-in-Canada technology to capture carbon dioxide — produced by oil sands operations, coal-fired power plants and other industries — and store it deep underground before greenhouse gas is released into the atmosphere.

Honourable senators, this government is providing pragmatic measures to reduce air pollution and address climate change. A few of those measures include the following: Introducing a chemicals management plan to regulate potentially harmful substances; exempting donations of ecologically-sensitive land from the Capital Gains Tax; creating a new tax credit to reduce the cost and encourage the use of public transit; and developing a bio-fuels plan that will ensure gasoline contains 5 per cent renewable fuels by 2010, and that diesel fuel and heating oil contain 2 per cent renewable fuels by 2012.

These are the kinds of initiatives that will bring about change. This is the kind of action that works for Canadians.

Another area where this government has taken real action is in the protection of Canada's natural environment and preservation of sensitive areas such as the Nahanni watershed and the Great Bear Rain Forest. All honourable senators know my interest in these types of issues is long-standing, and I applaud the Harper government for these initiatives.

[Translation]

Honourable senators, on October 16, 2007, the government clearly demonstrated that it cares about the priorities of Canadians.

The Speech from the Throne set out a legislative plan to reaffirm Canada's sovereignty, while showing responsible leadership on the world stage, to continue to ensure the strength of our economy through sound management and lower taxes, to strengthen our federation, to implement the government's criminal justice program, and to achieve concrete results concerning the environment.

Perhaps not all honourable senators agree with the measures announced in the Speech from the Throne or with my remarks here today.

However, Her Excellency said one thing on which I think everyone here today will agree, and I quote:

Canada is the greatest country in the world, a nation of enormous potential built through the imagination and dedication of ordinary Canadians. Canadians who have worked hard to build a better life for their families. Canadians who have joined with their neighbours to create a society founded on peace and prosperity.

Honourable senators, I am proud of my country, my adopted country, and of everything we have built together. I am extremely proud to live in free country, a safe country, a prosperous country. And I am proud of this government's accomplishments.

However, I have not forgotten that the future of the government program and our Parliament is in the hands of the official opposition in the other place. The government does not want another election. The government wants to govern and to continue to build a better life for Canadians and Canadian families. In order to govern, the government needs the confidence of the other place.

I sincerely hope that the government will receive a clear mandate, the mandate it needs to implement the government program outlined by Her Excellency in the Speech from the Throne.

On motion of Senator Comeau, debate adjourned.

[English]

INCOME TAX ACT EXCISE TAX ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Charlie Watt moved second reading of Bill S-214, An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik).—(*Honourable Senator Watt*)

He said: Honourable senators, most of you may already be aware that the people of Nunavik, the people who I represent in this chamber — although not yet legally — live in a territory that has been geographically, economically and politically cut off from the rest of Canada.

• (1510)

The land of Nunavik, north of the fifty-fifth parallel, is delimited by the Quebec Boundaries Extension Act, 1912, that is the former Ungava District of the Northwest Territories. More than 10,000 Inuit live in 14 small, widely dispersed communities scattered along Quebec's northern coastlines up to 2,500 kilometres from Montreal.

The high cost of living, which is compounded by isolation and distance, brings a critical economic disadvantage to the people of Nunavik. We must address this serious problem urgently. My people are struggling on a daily basis to gain their rightful place in this country.

[Senator Di Nino]

The high costs related to transportation in Nunavik are directly transferred to goods and services and this has a major impact on the purchasing power of its population. As a result, a Nunavik dollar is worth less than a dollar in southern Canada. Are honourable senators aware that on a tax percentage basis, per capita, Inuit are the biggest taxpayers in the country? Not only is the cost of living very high, but taxes in Nunavik also devalue the savings of individuals, and small businesses make hardly any profit.

The lack of a road network explains the high cost of food and other goods and is a barrier to economic development. Communities are virtually inaccessible, other than by air or sea. In this context, honourable senators, why does the Inuit population of Nunavik pay taxes for highways that do not exist?

According to studies, the inequities faced by the people of Nunavik can often be compared to situations in some Third World countries. Honourable senators, I could go into detail and enumerate a full range of differences in prices for gasoline, housing, food baskets, municipal services, hunting and fishing gear, and even bottled water. Instead, I will provide the names of a few reports that will prove enlightening on the subject. The first report is *The Economic Disadvantage in Nunavik*. The second is entitled *Economic Disadvantage in Nunavik — Key Challenges and Proposed Remedies: The Case of Elders, Harvesters and Low Income Earners*. Both these reports, which I circulated to honourable senators last February, were prepared by the Library of Parliament. The third report, from Laval University, is entitled *Nunavik Comparative Price Index 2006*.

Honourable senators, these reports paint a gloomy picture of the economic situation facing the people of Nunavik, a situation best summed up by the Nunavik Regional Board of Health and Social Services 2004-05 Annual Report. Indeed, the board estimates that 43 per cent of families in Nunavik live below the poverty line, compared to 17 per cent in the province of Quebec. These figures are not just a cry for help; these figures are the results of pain and are screaming at us for immediate—and urgent action.

Most government programs dedicated to Nunavik are established without taking into account the high cost of living facing the population. In practice, most agreements and programs target the development of communities instead of the individuals. Results are quite catastrophic for everyday life of Inuit families. In fact, a large part of subsidies and programs supporting higher professional, well-remunerated jobs, are being held by non-Inuit contractors. While these programs and subsidies were created and are still essential to help ensure economic development in Nunavik, the truth is that money returns south when the contractors are finished their work. This situation also prevails for permanent jobs.

Even on their own land, the people of Nunavik cannot fully benefit from support programs and subsidies created in the South. On top of not being able to harvest because of the high cost of hunting and fishing gear, my people are constantly confronted with government regulations that do not make any sense to us.

Honourable senators may know that unlike farmers and fishermen in the South who get subsidies for their harvesting, Inuit get nothing. The situation is so critical that a study found that hunting and fishing is seen by a majority of Inuit as an inaccessible luxury. It is time for legislators to wake up and help

those people. Hunting and fishing are not recreational; they are essential for Nunavik's people since they provide their main source of food. Individuals should be allowed to claim equipment used for sustenance purposes as expenses in order for them to reduce their allowable taxable income.

Honourable senators, for the people of Nunavik to benefit from a more just society I have taken the liberty of introducing Bill S-214. This proposed legislation recognizes that tax breaks are needed to help individuals and to stimulate economic prosperity in Nunavik.

The first part of Bill S-214 is aimed at increasing the northern residents' tax deduction. Honourable senators, 20 years ago, in 1987, the tax deduction for northern residents was introduced to help northern working families deal with the high cost of living. Unfortunately, governments have not kept this tax deduction in line with inflation. It is absurd that this deduction has not changed in 20 years when we all know how inflation has increased dramatically during this time. Increasing the northern residents' tax deduction will put more money in the pockets of Nunavik's population which will, in turn, speed the economic development of our land. It is my belief that this is a small cost to the federal government in comparison to all the good it will bring to so many families.

The second part of Bill S-214 is aimed at amending the Excise Tax Act to eliminate the GST on all goods and services. It would also eliminate other taxes on fuel, oil, natural gas, diesel and other additives for generating heat and electricity, as well as on modes of transportation other than aviation. Honourable senators, this will help the population of Nunavik deal with the high cost of living. When you think that taxes are based on the product you purchase once it has reached Nunavik, you soon figure out that not only have you paid three to five times the price of that good in the South, because of transportation, but you have to pay taxes on that new price as well. Again, the Inuit population of Nunavik does not benefit from any transportation subsidy.

Honourable senators, this situation angers me because I see the suffering in my community. It is totally unfair to treat a part of the Canadian population this way. It is high time that my people were relieved of this endless pain and everyday stress. I look forward to working with honourable senators, as we lay the groundwork to ensure that Nunavik's population begins to progressively take its destiny into its own hands.

Nakurmik.

On motion of Senator Comeau, debate adjourned.

• (1520)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Céline Hervieux-Payette (Leader of the Opposition) moved second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).—(Honourable Senator Hervieux-Payette, P.C.)

She said: Honourable senators, I rise today to speak once more about the bill to amend the Criminal Code (protection of children), now known as Bill S-209. The purpose of this bill is to protect children from corporal punishment by repealing section 43 of the Criminal Code, which reads as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

This is a legislative provision that dates back to the 19th century.

It permits a practice that is outdated, barbaric and discriminatory towards our children. It condones the use of corporal punishment as a means of discipline. Were the same acts to be carried out against adults, they would be considered assault.

[English]

Before continuing my remarks, I wish to underline that this is the third time that I have tabled the same bill. The proposed legislation was also tabled in this chamber by Senator Carstairs in 1996. Moreover, similar bills have been tabled in the other place by several other parliamentarians since 1994. As we will see in a moment, much water has flowed under the bridge in the time between the tabling of my former bill and this one.

[Translation]

In the last session, the Standing Senate Committee on Human Rights was able, for the first time, to thoroughly study this issue. It tabled its report in this chamber without amendment. This report concludes that section 43 must be repealed, eliminated.

Last April, the committee tabled a report dealing with the effective implementation of Canada's international obligations with respect to the rights of children entitled *Children: The Silenced Citizens*.

In Chapter 6, the committee deals specifically with Canada's commitment to fight violence against children. It examines Article 19 of the Convention on the Rights of the Child ratified by Canada in 1991. Article 19(1) reads as follows:

States Parties — that includes Canada — shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

I would add that Article 3 states:

... the best interests of the child shall be a primary consideration.

In two successive reports on Canada dated June 20, 1995, and October 27, 2003, the United Nations clearly indicated that, by

maintaining in force section 43 of the Criminal Code, Canada was not respecting the terms of the convention it had signed.

A number of witnesses appeared before the standing Senate committee and, drawing on the Convention on the Rights of the Child, urged the federal government to repeal the defence under section 43 of the Criminal Code. Merv Bernstein, Children's Advocate for the Province of Saskatchewan, said:

... it is time for Canada to step up to the plate or risk significant embarrassment on the international stage.

The Standing Committee on Human Rights was clear: section 43 of the Criminal Code must be repealed!

Honourable senators, it is our duty, as parliamentarians, to protect our children. We have been examining this issue in Parliament for 13 years now.

[English]

Several studies have shown that we must act. It has been confirmed that children under the age of five are the ones who most often undergo corporal punishment. How can they defend themselves? How can they know when their parents have exceeded reasonable force under the circumstances? To whom can they appeal? How many times must they be hit before a neighbour or a teacher notices? A great deal of time may pass before marks or bruises appear, and it may be then too late.

[Translation]

In 2004, Statistics Canada completed a study on the parenting environment and aggressive behaviour in children. The study involved 2,000 children and revealed that children two to three years of age living in punitive environments in 1994 scored 39 per cent higher on a scale of aggressive behaviour — such as bullying or acting spitefully — than children living in less punitive environments.

The difference, however, was even more marked six years later, in 2000, in the same children at ages eight to nine. Those living in punitive environments scored 83 per cent higher on the scale of aggressive behaviour than children living in less punitive environments.

So, only 17 per cent of the children had not become aggressive. Statistics Canada noted that this aggression carried over into adulthood in the form of aggression, delinquency, crime, poor school performance, unemployment and other negative aspects such as depression. In other words, those who begin life in violence are unable to make positive contact with others, resolve conflicts normally and develop in a healthy way.

In 2005, Statistics Canada published a report entitled *National Longitudinal Survey of Children and Youth: Home environment, income and child behaviour*. This study looked at changes in punitive parenting practices in the home and observed changes in child behaviour. Children showed higher levels of aggressive behaviour when their parents were more punitive. They also showed higher levels of anxiety and lower levels of pro-social behaviour, the latter defined as actions that benefit another person with no reward for oneself, when parents were more punitive.

These data could scare even the most sceptical. A number of people have told me that they experienced corporal punishment and saw no effect. Some judges in Quebec even mentioned it in published judgments.

The Centre of Excellence for Child Welfare gathered the findings of several studies and found that children who are hit have a tendency to hit other children; 19 per cent were violent toward others. They had a tendency to adopt anti-social behaviour such as intimidation and bullying at school and 36 per cent of children who are physically abused have psychological or behavioural problems.

Lack of remorse was also observed because for punished children violence is a habitual form of conflict resolution. The centre also noted deterioration in parent-child relations. Even worse, a higher risk of depression, sadness, anxiety and despair was observed in the children.

The centre notes that 71 per cent of children who suffered physical violence had no evidence of physical scars. However, in 50 per cent of the cases investigators noted functional problems such as learning difficulties or developmental delays.

• (1530)

Last Monday, the education community in Quebec was shaken by a most unfortunate incident involving two children having a silly argument that degenerated into a real tragedy. One of the children was the victim of unbelievably bad luck and died of arrhythmia after being struck in the thorax. A similar tragedy occurred at a high school last spring. A young man died after being punched in the head. Unfortunately, young people in our schools are too quick to react with violence instead of dialogue.

In response to the news, Jacques Hébert, an authority in the field and professor at the Ecole de travail social de l'UQAM, noted in a Montreal daily newspaper that, sadly, we tend to be more reactive than proactive when it comes to violence. In my opinion, honourable senators, one way of being proactive would be to address violence at its very source, by repealing section 43. By maintaining that provision, which introduces young people to brutality from a very young age, we continue to legitimize and maintain a culture of violence. Through this bill, we have the opportunity to take action. I urge all honourable senators to support the bill at this time.

I would like to extend my deepest sympathies to the families affected by these tragedies and to all the students who have had to endure the emotional distress.

[English]

Honourable senators, this year, Portugal, New Zealand and Holland have amended their laws to completely abolish the corporal punishment of children.

[Translation]

To date, 19 countries have responded to the United Nations with concrete measures: Sweden, Finland, Norway, Austria, Cyprus, Denmark, Latvia, Croatia, Germany, Bulgaria, Iceland, Ukraine, Romania, Hungary, Greece, the Netherlands,

New Zealand and Portugal. Another 17 countries have made a public commitment to reform their legislation. What is Canada waiting for?

I invite you to consult the *Global Initiative to End All Corporal Punishment of Children* Web site on this topic. In October, this organization released a new report, *The Global Report 2007 — Ending Legalised Violence Against Children*, to follow up on the United Nations Secretary General's study on violence against children.

[English]

Professor Paolo Sérgio Pinheiro, the independent expert appointed to lead the UN study, refers in The Global Report to the target date of 2009 set by the study for the prohibition of all violence against children, including all corporal punishment. Surely this is not too much for children to expect. The study has made visible the scale and impact of this common form of violence in schools, care institutions and other places. How can adults, as human rights activists, parliamentarians, government ministers or officials tolerate its continued legality and social acceptance in so many states and in our country?

[Translation]

In May 2006, the World Conference of Religions for Peace, in cooperation with UNICEF, brought together leaders and experts from more than 30 countries with different beliefs: Buddhist, Christian, Hindu, Jewish, Muslim and so on. The delegates to the conference adopted a joint declaration to combat violence against children by calling on governments to pass laws to put an end to corporal punishment. This declaration was approved at the eighth Religions for Peace world assembly, which took place in Kyoto, Japan, in August 2006. It is important to note that 800 religious leaders from 100 countries attended the assembly.

As well, in Europe, all the members of the Council of Europe ratified the United Nations Convention on the Rights of the Child in 2005. The Council of Europe called for a campaign to make Europe "a corporal punishment-free zone for children".

[English]

In addition to the European countries mentioned earlier, it must also be underlined that the Supreme Court of Italy has also banned corporal punishment.

[Translation]

As you have just heard, things are changing internationally. It remains to be seen whether we can change things here in Canada. Honourable senators, I have nearly 10 years left in my mandate, but I want to wrap up study of this bill now, and I want to see it passed this year.

Over the past few years, the main argument against repealing section 43 has been fear that all parents who take physical action involving their children could be taken to court. Basically, the Department of Justice argued that parents could be charged for doing up their child's seatbelt without the child's consent. I thought that wearing a seatbelt was a legal obligation, not a way to punish children.

In a document entitled *Children and corporal punishment: "The right not to be hit, also a children's right"*, Thomas Hammarberg, Commissioner for Human Rights, refuted such arguments. He said:

... the definition and ban of corporal punishment should not be seen as excluding the positive and fundamental concepts of discipline or education. The development of every child requires guidance and directions from parents, relatives, teachers or other adults.

Parenting and caring for children, especially young children, demands frequent physical actions and interventions to protect them. These situations should be distinguished from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. As adults, we know for ourselves the difference between a protective action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children. The law in all States, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people.

Honourable senators, as I have said before, repealing section 43 will not cause problems for parents who do things to protect their children or who, on rare occasions, may lose patience with them. I would point out that common law defences such as necessity and *de minimis* are still in effect in Canada.

With respect to the defence of necessity, the Supreme Court has reiterated its application on many occasions. This principle recognizes that there are emergency situations where the law does not hold people accountable if the ordinary human instincts overwhelmingly impel disobedience in the pursuit of self-preservation or the preservation of others.

The Canadian Bar Association, in a 1992 study entitled *Principles of Criminal Liability: Proposals for a New General Part of the Criminal Code of Canada*, bases its reasoning on K. R. Hamilton's paper, "De Minimis Non Curat Lex", which gives the following justifications for a *de minimis* defence: first, the application of criminal law must be reserved for serious misconduct; second, an accused must be protected from the stigma of a criminal conviction and from the imposition of severe penalties for relatively trivial conduct; third, the courts must be saved from being swamped by an enormous number of trivial cases. I want to remind honourable senators that the existing process in Quebec allows this distinction to be made between serious and trivial cases.

Furthermore, I want to remind you that the provinces are responsible for the administration of criminal justice and they have specific guidelines to follow before making accusations. In Quebec for example, a multisectoral agreement on the social and judiciary response procedure has been created. There are five essential steps in the decision-making process: first, the reporting of abuse to the director of child protection; second, liaison and planning; third, investigation and assessment; fourth, decision making; and fifth, action and information of partners.

In referring to the Swedish model, the Human Rights Commissioner said:

In Sweden, the primary purpose of banning corporal punishment was to alter public attitudes towards the use of

physical force, to set a clear guideline for parents and to promote earlier and more supportive intervention in child protection matters.

Public support for corporal punishment has decreased dramatically. In 1965 the majority of Swedes were in favour of it. A recent study shows that just six per cent of those 35 or younger, which would include the parents of young children, said they were in favour of corporal punishment, even the gentlest kind.

• (1540)

Practices have also changed: of those who grew up after the ban, only 3 per cent reported that they were slapped by their parents and only 1 per cent reported that they were hit with an object. In addition, and this is important, the mortality rate due to violence is very low among Swedish children.

In Sweden, awareness of violence against children has been heightened and there has been an increase in the number of assault cases reported; however, fewer parents were charged, social workers intervened less often and fewer children were placed in foster care.

Honourable senators, Canada is ready to put an end to violence against our children. Your colleagues who are members of the Standing Senate Committee on Human Rights decided that section 43 of the Criminal Code should be repealed.

I now also have economic support for this change. In 2003, the Law Commission of Canada assessed the economic costs of all forms of child abuse in 1998 alone. It was estimated that the legal, social services, education, health, employment and other costs attributable to violence against children totalled approximately \$16 billion. The abuse of children is devastating not only for individuals but for society as a whole.

To date, 271 organizations and many distinguished Canadians have signed the Joint Statement on Physical Punishment of Children and Youth, initiated in 2004 by the Children's Hospital of Eastern Ontario (CHEO). To allow corporal punishment is to allow violence against citizens and to admit that they are not full-fledged citizens. To prohibit corporal punishment sends a clear message that violence against children is no longer tolerated.

[English]

In closing, I wish to underline the exceptional work of some people who are wholeheartedly devoted to this cause and with whom I have worked over the years. I wish to commend Corinne Robertshaw, from an organization known as Repeal 43 Committee; Ron Ensom, from the Children's Hospital of Eastern Ontario; Joan Durrant from the Department of Family Social Sciences at the University of Manitoba; and Dia Mamatis, a research consultant with Toronto Public Health.

[Translation]

Honourable senators, end discrimination against children. Respect their right to life, security of the person and physical integrity. Senators will no doubt recall that, last April, a Quebec

school board was offering "courses in managing difficult children", dubbed by the press "Spanking 101". Honourable senators, end this madness, vote for Bill S-209.

On motion of Senator Cochrane, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON CONTAINERIZED FREIGHT TRAFFIC AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on current and potential future containerized freight traffic handled at, and major inbound and outbound markets served by, Canada's

- i) Pacific Gateway container ports

- ii) east coast container ports and

- iii) central container ports and current and appropriate future policies relating thereto.

That the Committee submit its final report no later than March 31, 2008, and

That the papers and evidence received and taken and the work accomplished by the Committee on the subject since the First Session of the Thirty-Ninth Parliament be referred to the Committee.

Motion agreed to.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joseph A. Day, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[*English*]

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Joseph A. Day, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until Thursday, November 15, 2007, at 1:30 p.m.

CONTENTS

Wednesday, November 14, 2007

	PAGE		PAGE
SENATORS' STATEMENTS		Canada-Europe Parliamentary Association	
The Navy		Parliamentary Mission to Slovenia and Parliamentary Assembly of Council of Europe, September 27-October 5, 2007—Report Tabled.	
Hon. Hugh Segal	197	Hon. Lorna Milne	201
Brigadier-General (Ret'd) Edward A.C. "Ned" Amy		Energy, the Environment and Natural Resources	
Hon. Wilfred P. Moore	197	Notice of Motion to Authorize Committee to Engage Services.	
The Saskatchewan Party		Hon. Tommy Banks	201
Congratulations on Election Victory.		Notice of Motion to Authorize Committee to Study Issues Related to Mandate and Refer Papers and Evidence from Previous Session.	
Hon. David Tkachuk	198	Hon. Tommy Banks	201
Commemoration of Kristallnacht		Rules, Procedures and the Rights of Parliament	
Hon. Yoine Goldstein	198	Notice of Motion to Authorize Committee to Engage Services.	
Human Trafficking at 2010 Vancouver Winter Olympics		Hon. Wilbert J. Keon	201
Hon. Mobina S. B. Jaffer	198	Notice of Motion to Authorize Committee to Permit Electronic Coverage.	
Senatorial Delegation to Alberta		Hon. Wilbert J. Keon	201
Overview of Gas Industry and Oil Sands Project.		Notice of Motion to Authorize Committee to Request Transcripts of In Camera Meetings.	
Hon. James S. Cowan	199	Hon. Wilbert J. Keon	201
Visitors in the Gallery		<hr/>	
The Hon. the Speaker	199	QUESTION PERIOD	
<hr/>		The Right Honourable Brian Mulroney	
ROUTINE PROCEEDINGS		Alleged Cash Payments—Scope of Public Inquiry.	
<i>Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement</i>		Hon. Céline Hervieux-Payette	
Tabled.		Hon. Marjory LeBreton	
Hon. Gerald J. Comeau	199	The Honourable Marjory LeBreton	
Study on Issues Related to National and International Human Rights Obligations		Government of the Right Honourable Brian Mulroney—Observance of Unusual Events.	
Government Response to Interim Report on Human Rights Committee Tabled.		Hon. Grant Mitchell	202
Hon. Gerald J. Comeau	199	Hon. Marjory LeBreton	203
Committee of Selection		Government of the Right Honourable Brian Mulroney—Involvement with Frank Moores.	
Third Report of Committee Presented and Adopted.		Hon. Grant Mitchell	203
Hon. Hugh Segal	200	Hon. Marjory LeBreton	203
Rules, Procedures and the Rights of Parliament		The Right Honourable Brian Mulroney	
Report Pursuant to Rule 104 Tabled.		Alleged Cash Payments—Public Inquiry—Recommendations of Third Party Adviser.	
Hon. Wilbert J. Keon	200	Hon. Tommy Banks	203
Senate Reform		Hon. Marjory LeBreton	203
Report of Special Committee Pursuant to Rule 104 Tabled.		Parliament	
Hon. W. David Angus	200	Criminal Code—Progress of Bill S-213 Regarding Lottery Schemes.	
Energy, the Environment and Natural Resources		Hon. Jean Lapointe	203
Report Pursuant to Rule 104 Tabled.		Hon. Marjory LeBreton	204
Hon. Tommy Banks	200	Justice	
National Finance		2010 Vancouver Winter Olympics—Prevention of Human Trafficking.	
Report Pursuant to Rule 104 Tabled.		Hon. Mobina S. B. Jaffer	204
Hon. Joseph A. Day	200	Hon. Marjory LeBreton	204
<i>Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement</i>		2010 Vancouver Winter Olympics—Legalization of Brothels.	
Notice of Motion to Refer Proposed Regulations to Social Affairs, Science and Technology Committee.		Hon. Mobina S. B. Jaffer	204
Hon. Gerald J. Comeau	200	Hon. Marjory LeBreton	204
		The Right Honourable Brian Mulroney	
		Alleged Cash Payments—Public Inquiry—Terms of Reference.	
		Hon. Yoine Goldstein	204
		Hon. Marjory LeBreton	205
		Alleged Cash Payments—Correspondence from Karlheinz Schreiber.	
		Hon. Yoine Goldstein	205

	PAGE
Hon. Marjory LeBreton	205
Alleged Cash Payments—Instruction by Prime Minister on Contact.	
Hon. Yoine Goldstein.	205
Hon. Marjory LeBreton	206
Delayed Answer to Oral Question	
Hon. Gerald J. Comeau	206
Speech from the Throne	
Measures to Combat Child Poverty. Question by Senator Munson.	
Hon. Gerald J. Comeau (Delayed Answer).	206

ORDERS OF THE DAY

Criminal Code (Bill S-3)	
Bill to Amend—Second Reading.	
Hon. David Tkachuk	206
Referral to Committee	206
Nunavik Inuit Land Claims Agreement Bill (Bill C-11)	
Second Reading—Debate Adjourned.	
Hon. Leonard J. Gustafson.	206
Hon. Tommy Banks	208
Hon. Jeremiahiel S. Grafstein	208

	PAGE
Speech from the Throne	
Motion for Address in Reply—Debate Continued.	
Hon. Consiglio Di Nino	208
Income Tax ActExcise Tax Act (Bill S-214)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Charlie Watt	210
Criminal Code (Bill S-209)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Céline Hervieux-Payette	211
Transport and Communications	
Committee Authorized to Engage Services.	
Hon. Lise Bacon	215
Committee Authorized to Permit Electronic Coverage.	
Hon. Lise Bacon	215
Committee Authorized to Continue Study on Containerized Freight Traffic and Refer Papers and Evidence from Previous Session.	
Hon. Lise Bacon	215
National Finance	
Committee Authorized to Engage Services.	
Hon. Joseph A. Day.	215
Committee Authorized to Permit Electronic Coverage.	
Hon. Joseph A. Day.	215



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA1
Y1
D32



CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 12

OFFICIAL REPORT
(HANSARD)

Thursday, November 15, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, November 15, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

OFFICIAL LANGUAGES

LINGUISTIC POLICY AT CANADIAN FORCES BASE BORDEN

Hon. Maria Chaput: Honourable senators, the struggle to enable francophones in Canada to live in French in their very own country is a never-ending one. One often gets the feeling that we are taking two steps forward and one step back. In a letter to General Hillier, the National Defence and Canadian Forces Ombudsman, Yves Côté, revealed that on the military base in Borden, recruits: remained unaware of their linguistic rights; did not know how to report problems; had not received support from the chain of command; were facing longer waiting periods than their Anglophone peers for occupational training; and were not provided meaningful assignments or English language training.

Canada's language policy has been in place for nearly 40 years, and it has had a positive impact from coast to coast. In order to make up for lost time, the Canadian Forces will have to modernize their institution to fully integrate both official languages.

Today, it is unacceptable in a federal government workplace to find a francophone who functions exclusively in English. Frankly, it is embarrassing for a bilingual country such as ours. The Canadian Armed Forces have been ignoring the Official Languages Act and getting away with it for far too long.

I would like to congratulate Yves Côté for having raised this serious issue, and I hope that he will continue to be in contact with Graham Fraser, the Commissioner of Official Languages, to ensure that everything possible will be done to resolve this inequality.

• (1335)

[English]

ABORIGINAL REPRESENTATION IN POST-SECONDARY SCIENCES

Hon. Lillian Eva Dyck: Honourable senators, in October I was one of the keynote speakers at the Canadian Aboriginal Science and Technology Conference held in Calgary. I spoke about the areas of post-secondary study and the gaps in the numbers of Aboriginals, especially women, specializing in the sciences compared to non-Aboriginals. The data that I analyzed came from the 2001 Canadian census, and I focused on Saskatchewan.

The area chosen most frequently for study by both Aboriginals and non-Aboriginals, aged 25 to 44, was that comprised of the applied science technologies and trades. The two areas chosen least often were the engineering and applied sciences and the mathematical, computer and physical sciences.

The percentage of Aboriginals who specialized in the engineering, mathematical and physical sciences was markedly less than that of the non-Aboriginal population. Only 0.5 per cent of the Aboriginals, compared to 2.1 per cent of the non-Aboriginal population, chose to specialize in the engineering and applied sciences; and only 0.7 per cent of the Aboriginal population, compared to 2.4 per cent of the non-Aboriginal population, specialized in the mathematical, computer and physical sciences.

In addition, men and women made different choices in their areas of study and there were similar patterns in the Aboriginal and non-Aboriginal populations. In both populations, men chose the applied technologies and trades at about 10 times the rate for women; and men also studied most sciences at much higher rates than women, except for the health sciences where women dominated. However, what was surprising was the relatively greater under-representation of Aboriginal women compared to non-Aboriginal women in the engineering, mathematical, computer and physical sciences.

My key messages were: Aboriginals were under-represented in the physical sciences — mathematics, computer science, physical and engineering sciences — compared to non-Aboriginals; and while it is well known that women are under-represented in the physical sciences, the gender gap was even more pronounced in the Aboriginal population.

What accounts for this low percentage of Aboriginals, especially Aboriginal women, specializing in these sciences? Many theories have been advanced, and it is generally accepted that a lack of role models and an unwelcoming or unfriendly educational environment are important factors. The environment apparently still favours white males.

Honourable senators, the statistics that I presented reinforce the idea that achieving educational equity for Aboriginals and for women in the engineering, mathematical, computer and physical sciences will require improving and even transforming the educational environment to ensure that every student can succeed and achieve his or her full potential.

THE LATE JOHN ARPIN

Hon. Francis William Mahovlich: Honourable senators, I wish to take a moment to mark the passing of John Arpin, who died last Thursday, November 8, at the age of 70 after a lengthy battle with cancer. John Arpin was a musician, recording artist and composer and was regarded as one of the world's top ragtime and among Canada's most innovative musicians.

John Arpin was born in Port McNicoll, Ontario. He graduated from the Royal Conservatory of Music at the age of 16 and later attended the University of Toronto. His first professional

performances were with fellow music popularisers, including Howard Cable from CBC and Leo Romanelli, who played in summertime bands at the Bigwin Inn up in the Lake of Bays and also at the Manoir Richelieu in Murray Bay.

Generations of Canadian children were first introduced to Arpin's piano style through the theme of the popular show, *Polka Dot Door*, where he was a writer, director and performer. CBC radio listeners became familiar with one of his most notable compositions, "Jogging Along," which was the theme song for Peter Gzowski's *Morningside* program in the late-1970s.

During the last two decades of his life, Arpin's name graced the programs of southern Ontario's smaller orchestras, as well as summer festival events.

• (1340)

One of his final public concerts was at Collingwood Music Festival on June 21. In a career that spanned 50 years, Arpin released 67 albums and collected three Juno nominations. Whether playing his signature ragtime or venturing into jazz, Broadway show tunes or even the great arias of opera, John Arpin's playing was a model of poise and elegance. He will be fondly remembered as a great Canadian and a great popularizer of music.

[Translation]

ROLE OF WOMEN IN ARMED FORCES

Hon. Lucie Pépin: Honourable senators, officers' mess walls at our military bases and schools are generally covered with photographs honouring only male officers. However, I was pleased to see that this is starting to change.

Last week, a colloquium entitled "Women, Armies and Wars" was held at the Collège militaire de Saint-Jean-sur-Richelieu, providing a platform for dialogue on the role of women and their experience within the armed forces.

The Canadian Armed Forces has one of the highest proportions of women to men in the world. In the regular forces, only 17.3 per cent of soldiers are women. However, in Canada, with the exception of the Roman Catholic chaplaincy, women can enrol in all occupations and corps of the army, even in combat units.

Even more interesting is the fact that more and more women are penetrating into the command of the Canadian Forces. At the colloquium in Saint-Jean-sur-Richelieu, the opening remarks were given by Brigadier General Christine Whitecross. Ms. Whitecross is the first woman to command Joint Task Force North. I also had the distinct pleasure of meeting Colonel Karen Ritchie, henceforth in command of 5 Area Support Group, Quebec. She is also the first woman to hold that position. You can imagine to what extent these trailblazers were the topic of discussion at the colloquium. Despite everything, the integration of women into the armed forces still has its obstacles.

Armed forces have transformed themselves to adapt to the arrival of women. However, their clearly masculine traditions, procedures and codes are delaying the evolution of mentalities. Women must prove that they meet the requirements and that they remain dedicated to their career.

There are initiatives within the Canadian Forces designed to eliminate discrimination. However, as indicated by the Canadian Forces ombudsman, changing military culture is somewhat like changing the course of a ship; it is not something that can be done in an instant.

In today's society, some people still believe that women do not belong in the war. These people believe that the presence of women affects the efficiency of operations. Often, physical and psychological differences are brought up. Of course there are differences. However, it has been shown that these differences are not significant constraints. According to experts, women have management styles and social attitudes that can be effective, for example, in negotiations. These same studies showed that some women are comparable to men when it comes to strength and endurance. Furthermore, it has been suggested that women receive extra training sessions to make up for their physical limitations.

The integration of women from here and elsewhere is based on stereotypes that contradict both the willingness of women to participate and the research on the subject. Despite everything, we can be proud of the advancements these women have made. The strength these women showed as they paved the way and the achievements made by women in uniform today give us hope for the future.

[English]

DARFUR

Hon. Yoine Goldstein: Honourable senators, yesterday, in the course of Senators' Statements, I went over my time, for which I apologize. I did not have a chance to complete what I was saying.

I wish to inform honourable senators that you will receive notices for various events from the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity. I urge honourable senators to attend these events to make a statement with respect to your concern about what is taking place in Darfur.

That point provides a segue to an additional element that I wish to draw to honourable senators' attention again, the rapidly changing situation in Darfur. As honourable senators may be aware, the conflict in the region has escalated significantly this summer. A dangerous new dimension emerged when one of the rebel movements attacked an African Union peacekeeping base, killing at least 100 soldiers.

However, there is also some cause for hope. A new European Union peacekeeping mission will soon be deployed to protect Darfuri refugees in Chad and the Central African Republic, and the Security Council has approved the creation of a hybrid African Union-United Nations peacekeeping force with 26,000 personnel to protect civilian populations within Darfur.

• (1345)

In response to these events, the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity has agreed to a resolution that calls for both the Sudanese government and the rebel groups to fully cease all

hostilities and to ensure that humanitarian agencies have complete and secure access to the people of the region. We are also calling for the Government of Sudan to cooperate with the investigation by the International Criminal Court and for the rebel movement to make a genuine commitment as well to the peace process.

As for our own government, the resolution acknowledges Canada's engagement in the past, for which everyone is grateful, but also calls for quick answer in response to recent developments. It calls on the government to do the following: first, to provide further support for the peace process and work to promote participation by unarmed groups, especially those representing women; second, to put more pressure on both the Sudanese government and rebel groups to end the conflict, possibly through the tightening of economic measures; third, help to provide the new hybrid peacekeeping mission with the heavy equipment it requires; fourth, assign a high-level official to represent Canada in the peace process; and, fifth, expand the humanitarian assistance that it now gives to assist those displaced by the most recent fighting.

I propose to put into each honourable senator's email a copy of that resolution. I hope honourable senators will find time to engage in this humanitarian crisis.

The famous theologian, Martin Niemöller, speaking of the Second World War, said that first they came to get the Jews, and he was not a Jew, so he did not say anything. They then came to get the trade unionists, and he was not a trade unionist, so he did not say anything. They then came for the communists, and he was not a communist, so he did not say anything. They then came for the gypsies, and he was not a gypsy, so he did not say anything. They then came for the homosexuals, and he was not a homosexual, so he did not say anything. And then they came for him, and there was no one left to say anything.

NATIONAL CHILD DAY CELEBRATIONS IN THE SENATE

Hon. Jim Munson: Before beginning my statement, I wish to tell the Honourable Senator Goldstein that he gave a nice statement.

Honourable senators, I want to take a moment to remind you of an annual event that transforms the Senate into a place of youthful energy. That event is National Child Day. Next Monday, November 19, this chamber will be filled with children from across this city who will gather to celebrate the contributions they make to our society. The theme of this year's event, "Include us . . . Include us all," will be expressed through performances and presentations from children who have faced adversity and surmounted obstacles to achieve excellence and to give back to others.

For example, Christina Campbell, whom I met in Shanghai, Canada's gold medalist in rhythmic gymnastics at the Special Olympics in Shanghai, will perform and talk about her proud moment as part of her Special Olympics team. Josh Bortolotti, who some honourable senators might remember as a witness for our autism inquiry, will speak as well. We will hear from Josh Sacobie, a tremendous athlete and star quarterback of the University of Ottawa Gee-Gees, who will talk about his journey from the Maliseet First Nation in New Brunswick to Ottawa,

where he was named recently the most valuable player of the Ontario University Athletics, after leading the Gee-Gees to an undefeated regular season.

Honourable senators, music and dance will fill this chamber. Performances by Lucas Haneman, a visually impaired jazz guitarist; Jessie Huggett, an accomplished interpretive dancer and speaker with Down's syndrome; and Anastasia Matsell-Savage, a singer with cerebral palsy.

[Translation]

The Senate has been celebrating National Child Day for seven years. This event was instituted by Senator Landon Pearson and fills this place with youthfulness, energy and inspiration.

I am very proud to continue this tradition with my honourable colleagues, Senators Keon and Mercer, as well as the honourable Speaker of the Senate.

• (1350)

[English]

I cannot promise you any seats on Monday. They will be filled with young people, but I can promise you a good time, even a rocking good time. We have a lot of fun here for the start of our work week next week, so do not forget National Child Day. "Include us . . . Include us all."

[Translation]

ROUTINE PROCEEDINGS

STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

GOVERNMENT RESPONSE TO REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour of tabling, in both official languages, the government response to the tenth report of the Standing Senate Committee on Human Rights entitled *Children: The Silenced Citizens, Effective Implementation Of Canada's International Obligations With Respect To The Rights Of Children*, tabled in the Senate on April 25, 2007.

[English]

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. W. David Angus: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 123.)

CANADA-UNITED STATES TAX CONVENTION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, November 15, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984, has, in obedience to the Order of Reference of Tuesday November 13, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

W. DAVID ANGUS
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Angus, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joan Fraser: Honourable senators, pursuant to Rule 104, I have the honour of tabling the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 125.)

[English]

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gerry St. Germain: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 126.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Consiglio Di Nino: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs and International Trade. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 127.)

AGRICULTURE AND FORESTRY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joyce Fairbairn: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 128.)

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. J. Trevor Eyton, Joint Chair of the Standing Joint Committee on Scrutiny of Regulations, presented the following report:

Thursday, November 15, 2007

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FIRST REPORT

Your Committee reports that in relation to its permanent reference, section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, the Committee was previously empowered "to study the means by which Parliament can better oversee the government regulatory process and in particular to enquire into and report upon:

1. the appropriate principles and practices to be observed
 - (a) in the drafting of powers enabling delegates of Parliament to make subordinate laws;
 - (b) in the enactment of statutory instruments;
 - (c) in the use of executive regulation — including delegated powers and subordinate laws;

and the manner in which Parliamentary control should be effected in respect of the same;

2. the role, functions and powers of the Standing Joint Committee for the Scrutiny of Regulations.

Your Committee recommends that the same order of reference together with the evidence adduced thereon during previous sessions be again referred to it.

Your Committee informs both Houses of Parliament that the criteria it will use for the review and scrutiny of statutory instruments are the following:

Whether any Regulation or other statutory instrument within its terms of reference, in the judgement of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;
2. is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;
3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;
4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;
5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;
7. has not complied with the Statutory Instruments Act with respect to transmission, registration or publication;
8. appears for any reason to infringe the rule of law;
9. trespasses unduly on rights and liberties;
10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;
11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;
12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;
13. is defective in its drafting or for any other reason requires elucidation as to its form or purport.

Your Committee recommends that its quorum be fixed at four members, provided that both Houses are represented whenever a vote, resolution or other decision is taken, and that the Joint Chairmen be authorized to hold meetings to receive evidence and authorize the printing thereof so long as three members are present, provided that both Houses are represented; and, that the Committee have power to engage the services of such expert staff, and such stenographic and clerical staff as may be required.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses in connection with its permanent reference relating to the review and scrutiny of statutory instruments, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the First Session of the Thirty-ninth Parliament were as follows:

Professional and Other Services	\$ 703.29
Transport and Communications	0.00
All Other Expenses	\$ 1,490.49
Total	\$ 2,193.78

A copy of the relevant Minutes of Proceedings and Evidence (Issue No. 1, Second Session, Thirty-ninth Parliament) is tabled in the House of Commons.

Respectfully submitted,

J. TREVOR EYTON
Joint Chair

• (1355)

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Eyton, report placed on the Orders of the Day for consideration at the next sitting of the Senate

NATIONAL BLOOD DONOR WEEK BILL

FIRST READING

Hon. Ethel Cochrane, for Senator Mercer, presented Bill S-220, An Act respecting a National Blood Donor Week.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cochrane, bill placed on the Orders of the Day for second reading two days hence.

• (1400)

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade in Canada, in particular:

- the economic and trade barriers that exist between provinces in Canada;
- the extent to which such interprovincial barriers are limiting the growth and profitability of the affected sectors of the economy as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and
- measures that could be taken by the federal and provincial governments to facilitate the reduction or the elimination of such interprovincial trade barriers in order to enhance trade, develop a national economy, and strengthen Canada's economic union; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[English]

• (1405)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INCLUDING IN LEGISLATION
NON-DEROGATION CLAUSES RELATING
TO ABORIGINAL TREATY RIGHTS AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament, the First Session of the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee present its report to the Senate no later than December 20, 2007.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY STATE OF EARLY LEARNING
AND CHILD CARE AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy for the early education and care of young children in Canada is still in its initial stages. ... and coverage is low compared to other OECD countries;"

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."; and

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY IMPACT AND EFFECTS OF SOCIAL
DETERMINANTS OF HEALTH AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY CURRENT SOCIAL ISSUES
OF LARGE CITIES AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty
- (b) housing and homelessness
- (c) social infrastructure

- (d) social cohesion
- (e) immigrant settlement
- (f) crime
- (g) transportation
- (h) the role of the largest cities in Canada's economic development

That the study be national in scope, with a focus on the largest urban community in each of the provinces;

That the study report propose solutions, with an emphasis on collaborative strategies involving, federal, provincial and municipal governments;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the present state and the future of agriculture and forestry in Canada;

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RURAL POVERTY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;

- (b) conduct an assessment of Canada's comparative standing in this area, relative to other OECD countries;

- (c) examine the key drivers of reduced opportunity for rural Canadians;

- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than June 30, 2008; and

That the Committee retain until September 30, 2008 all powers necessary to publicize its findings.

• (1410)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

QUESTION PERIOD

HON. MARJORY LEBRETON

LETTERS TO CHARLOTTETOWN *GUARDIAN*
REGARDING CANADA PENSION PLAN

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, she wrote a letter to *The Guardian*, a major newspaper in my home province of Prince Edward Island. In that letter she made false accusations about facts that I used in this chamber when I launched an inquiry into the Canada Pension Plan. In part, the letter read as follows:

Senator Catherine Callbeck regularly uses such misinformation in the Senate. Now she is using *The Guardian* to spread more falsehoods. As usual, she has gotten her facts wrong and has misinformed Island seniors yet again.

The facts I used in the Canada Pension Plan speech came from the Minister of Human Resources, the Honourable Monte Solberg, as well as from documents that I received through access to information.

Will the Leader of the Government in the Senate retract her false accusations and apologize for making them in the first place?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for the question. For quite some time I have watched the honourable senator use *The Guardian* as a personal bulletin, and I responded to the letter. The honourable senator responded again and now I have responded. I do not know whether my further response was printed. The information used by the honourable senator was based on information from the previous Liberal government in 2005, and my purpose in writing *The Guardian* was to make it clear that the attacks against the government and the explanations of what we are doing for seniors are quite incorrect.

Some Hon. Senators: Hear, hear!

Senator Callbeck: The leader has accused me of using misinformation.

• (1415)

The information I used in my Canada Pension Plan speech came from the honourable senator's own minister, the Honourable Monte Solberg, and from documents that I received through access to information.

My question is: Is the honourable senator refusing to retract these false accusations and apologize because the honourable senator simply does not believe her own minister?

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, the information that has been attributed to this government in the honourable senator's attacks on the good work that has been done for seniors is based on information that actually belongs to the opposition. I was simply setting the record straight.

Some Hon. Senators: Hear, hear!

Senator Callbeck: I will send the honourable senator copies of the documents that I have received from the Honourable Monte Solberg, as well as the documents that I have received through access to information. Once I have done so, will the honourable senator review those documents and withdraw her false accusations and apologize when she realizes that the information I used was accurate?

Senator LeBreton: Senator Callbeck can send me anything she wishes. I will be happy to look at it, but I do not believe it will change the tenor of her ongoing attacks in *The Guardian* against this government. As I said earlier, the honourable senator uses that newspaper as her own personal bulletin on Prince Edward Island. Since she is a former premier and a prominent person, I imagine *The Guardian* would print her material.

I feel duty bound as the Leader of the Government in the Senate and the Secretary of State for Seniors to put into proper context the information that is provided. Facts and figures regarding the treatment of seniors are being attributed to this government when in fact the material used is from 2005, when we had a Liberal government. I have sent a letter to this effect to *The Guardian*. I do not know if they printed it.

Hon. Lowell Murray: Honourable senators, those of us who are not regular readers of *The Guardian* would like one of the disputants in this controversy to arrange to table the letters in question. Can this be done so that we may judge for ourselves?

Senator LeBreton: Certainly.

SECRETARY OF STATE FOR SENIORS

RESPONSIBILITY OF MINISTER

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate and more particularly with respect to her responsibilities as Secretary of State for Seniors.

While I am appalled at the treatment the honourable senator has afforded Senator Callbeck, who is a most distinguished member of this chamber, I am equally disturbed by her lack of recognition of her responsibilities as Secretary of State for Seniors. Does the minister not believe that her most fundamental responsibility is to seniors? Does this not imply that she should ensure that each and every senior in this country is entitled to the fullest support that they can be given?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe that since I assumed the responsibility of Secretary of State for Seniors last January that this government has done more for seniors in 21 months than the previous government did in 13 years.

EFFORTS TO INFORM POTENTIAL RECIPIENTS
OF GUARANTEED INCOME SUPPLEMENT
AND CANADA PENSION PLAN

Hon. Sharon Carstairs: Honourable senators, is the honourable minister prepared to tell this chamber that every single senior entitled to the annual Guaranteed Income Supplement is receiving it? Also, is every senior entitled to Canada Pension Plan benefits receiving them? If the honourable minister cannot give that assurance, will she indicate what is being done about the situation?

• (1420)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I can tell the honourable senator that the government has gone to great lengths to try to capture all of the seniors that are entitled to their benefits, including another 32,000. We have used every possible means to communicate with seniors about their entitlements. Service Canada has almost 600 offices across the country, many of them mobile that travel into smaller, more remote areas. A piece of government legislation passed here allows seniors to make a one-time application for the GIS. Once they file their income tax return, a prepared application form that they simply have to sign is ready for submission. Seniors do not need to reapply for the GIS once that application is on file.

I fully realize that this is an issue in areas where people thought that they should have been eligible for GIS and were not receiving it. This government and the previous government have followed pension income actuarial advice on limiting retro-payments to one year once these people are captured into the system. As well, we are communicating the information to seniors in person at seniors' homes and through the mail from Service Canada. We have done everything possible to reach out.

In addition, before they turn 65 years of age, people receive a communication from the government that explains the various services and benefits to which they are entitled as senior citizens.

Senator Carstairs: The minister indicates that the government has done all of these things, but allow me to offer one simple suggestion. The poorest of the poor in this country are Aboriginal people. Has there been any attempt by the minister's government to print any of these forms in any of the Aboriginal languages, such as Inuktitut, so that they can understand the forms in order to make their applications?

Senator LeBreton: Within the Department of Indian and Northern Affairs, there is a concerted effort to reach out to people in more remote areas north of 60 and other Aboriginal communities. As well, I understand we have tried to inform the various leadership groups of the services available so that they can inform their members. I know it is difficult for Senator Carstairs to accept this but the government is doing everything that is humanly possible to ensure that all eligible seniors receive the GIS and other benefits to which they are entitled.

VETERANS AFFAIRS

ACCESS TO MENTAL HEALTH CARE

Hon. Michael A. Meighen: Honourable senators, my question is for the Leader of the Government in the Senate. In his recent 2006-07 report, the Department of National Defence and Canadian Forces Ombudsman indicated that he was committed to monitoring the effects of the Afghan military operation on military members and their families. In that context, I note that the subject of mental health care and mental illness has long carried such a strong stigma that people have been unwilling to seek assistance. It is only in recent times that we have seen a significant change in the prevailing attitude. Now we have the extensive report of the work done by the Standing Senate Committee on Social Affairs, Science and Technology under the former Chair, Senator Kirby, and his Deputy Chair, Senator Keon. The report is entitled, *Mental Health, Mental Illness and Addiction*.

We also have the subsequent report recommending that a mental health care commission be established. Such a commission was established by this government this year with our former colleague Senator Kirby as chair. The government clearly has mental health care on its agenda and requiring attention.

During a week in which we observed Remembrance Day, I note that a recent survey indicated that a significant number of veterans had to deal with psychological problems resulting from military service, including post traumatic stress disorder.

My question is: Has the government taken steps to ensure that members of the military, our veterans and their families have appropriate access to mental health care professionals? Can she indicate whether more individuals are taking greater advantage of that access than they did in the past?

• (1425)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this is a serious issue, and one that we are hearing more about as our soldiers are returning from theatre in Afghanistan. The great majority of the Canadian Forces who return from deployment, even from difficult areas like Afghanistan, are in good health. Members with mental health problems are encouraged to seek care, and we continue to work on ways to improve mental health programs.

A measure of the success of our various mental health programs is that members with mental health problems now seek care a lot more quickly than they did in the past. Canadian Forces

programs are now set up to capture them. The Armed Forces do rigorous pre- and post-deployment interviews and questionnaires to identify mental health concerns. Then there is a follow-up to monitor the conditions of the soldiers. Across Canada, mental illness health teams are in place, including those specializing in psychiatry, psychology, mental health nursing, addictions counselling — because there is a significant amount of that as well — clinical social work and pastoral counselling. There are also mental health professionals in Afghanistan, as part of the health care team set up to support the troops.

Between 2004 and 2009, \$198 million has been earmarked for a new approach to mental health; and the number of mental health professionals is being increased in the Canadian Forces.

Also, as the honourable senator may remember, Budget 2007 provides \$10 million a year to establish five new operational stress injury clinics to assist Canadian Forces members and veterans in dealing with stress-related injuries connected to their service and, most important, to provide improved support for their families so that they can assist the returning soldiers to work through this serious illness — and it is an illness.

PUBLIC WORKS AND GOVERNMENT SERVICES

COMPETITION FOR LOCATION OF NATIONAL PORTRAIT GALLERY

Hon. Jim Munson: Honourable senators, in keeping with the civility of the afternoon, I have a question for the unelected, unaccountable, appointed Conservative senator, the Minister of Public Works and Government Services.

Last week we learned about this lottery or competition for Canada's national portrait gallery. We heard Minister Verner talk about Canadians deserving to see the portraits that depict the great figures of our country, past and present. I could not agree more.

However, this city is called the “national capital.” There is the national Parliament, the National Gallery of Canada, the national Canadian Museum of Civilization, the national Canadian War Museum and the national cenotaph.

I am curious to find out if this is the Conservatives' version of decentralization in terms of picking only eight cities and saying “Let us compete.” Within these eight cities some have a crumbling infrastructure, a lack of child care spaces, a lack of affordable housing, and smog and congestion. Now you are saying to these cities, “Come on with the private sector; let us bid on something so that Canadians can travel to some other part of the country.” This is Canada's national capital.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the honourable senator for his question. As a matter of fact, we are talking of nine cities, and they do include the City of Ottawa. It is possible that a developer here in Ottawa would be chosen, depending on the type of proposal that is being tabled.

I understand that the honourable senator may have issues with this proposal. However, the reality is that we are talking about one museum, which is a new museum. We are not talking about moving current museums and national assets that are already here in Ottawa.

I am sorry Senator Joyal is not here because I consider him to be the Liberal Party's beacon on cultural affairs. Before 1,000 people in Montreal on Tuesday, he applauded the decision to offer this opportunity to nine cities across Canada.

Senator Munson: If the honourable senator is going that far, in terms of being discriminatory, why just nine cities? Charlottetown is the home of Confederation. Why not Moncton? Why not Saint-Louis-du-Ha! Ha! Why not St. John's? Why not my home area? Why not Saskatoon or Regina? What is wrong? What happened within the bureaucracy or within the Conservative mindset that excluded those cities from being allowed to compete? At the end of the day, it still must be remembered that this is Canada's national capital, where we as Canadians have the opportunity and right to visit and to see something of worth and value that is still being hidden away by this Conservative government.

An Hon. Senator: Just because you live here.

• (1430)

Senator Fortier: Honourable senators, nine cities were chosen on the basis of population and tourist potential. I know the honourable senator knows that. I refer here not only to the ability for the base population of those nine cities to support the museum, but also the ability for some of these cities, particularly the smaller ones, to have additional tourist draws. When one looks at the situation objectively, it makes sense that we chose those nine cities. No one is talking about changing the capital of our country; it is still Ottawa.

There are tremendous museum offerings in this city. I am sure honourable senators have visited many, if not all, of them. The fact that the portrait gallery may or may not be in Ottawa is not something about which one ought to become excited.

[Translation]

DECENTRALIZATION OF EXISTING MUSEUMS IN OTTAWA

Hon. Francis Fox: Honourable senators, I am glad to see that the minister takes an interest in museum policy. I congratulate him, especially for his excellent contribution to the Montreal Museum of Fine Arts. In his decentralization policy, would the minister be willing to consider expanding the network of museums across Canada and, specifically, granting a longstanding request to make the Pointe-à-Callière Museum a national museum of Canada?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, it is not the same thing. We are talking about decentralizing museums, but there is absolutely no question of moving museums that are already in Ottawa. I want to make that clear.

Creating additional museums is not part of my portfolio. I will face the Speaker's wrath. My colleague, Josée Verner, already said that she was open to discussing museum proposals with stakeholders across Canada. When she has announcements to make about this, she will make them.

SUPPORT FOR NEW PLANETARIUM IN MONTREAL

Hon. Francis Fox: Honourable senators, I would like to come back to that question. There are all sorts of museums. Planetariums could be considered museums. In this case, the minister himself — correct me if I am wrong — signed a letter saying that he would support the development of a new planetarium in Montreal. When is he going to make good on that promise?

Hon. Michael Fortier (Minister of Public Works and Government Services): The honourable senator knows that I have been very busy with the Montreal Museum of Fine Arts, the theatre district and the announcement of public transit between Dorval and downtown to improve transportation in Montreal's western suburbs. Although I have been especially busy in recent months, please know, honourable senators, that I have publicly supported the call for a new planetarium. I have done so publicly, because I would very much like to see one developed.

[English]

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS

Hon. Francis William Mahovlich: Honourable senators, I rise today to add my voice to the growing concern about the Canada-U.S. border crossing situation. Senator Grafstein recently spoke on this same topic, relating horror stories that are transpiring at border crossings nationwide. One statement that particularly struck me was that this year was a summer from hell, due to incredibly long delays at the border. This is not a description one would like to hear when thinking of travelling to our largest trading partner.

There are programs in place to help those who cross the border on a regular basis, such as the FAST program, which helps to ensure speedy crossings for truckers. These programs, however, do not seem to be working efficiently. Some of those enrolled in the FAST program are still facing secondary screenings. What is the point of such a program if it does not do what it is intended to do?

When I was a member of the Detroit Red Wings and living in Windsor, I used the Ambassador Bridge on a regular basis. In those years, about 30 years ago, the only time there was a traffic jam was when the Montreal Canadiens or the Toronto Maple Leafs were playing.

• (1435)

Today, the Ambassador Bridge is the busiest border crossing in North America, with about 25 per cent of Canada-U.S. merchandise making its way across this single bridge. That amount is expected to double by 2030.

With the Canadian dollar at record highs versus the U.S. dollar, the line-ups at the border crossings will, I am sure, reach highs as well. Furthermore, as early as next summer, the U.S. government is expected to start requiring passports at both land and sea crossings. This will no doubt make a bad situation even worse. With wait times of up to one hour at some border crossings, what does the government intend to do to alleviate the current waiting lines and to prevent them from getting worse?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for that question. Actually, I used to be a Detroit Red Wings fan.

An Hon. Senator: Move them to Windsor!

An Hon. Senator: Oh, no!

Senator LeBreton: Yes, I was. Actually, it was when Gordie Howe, Ted Lindsay, Alex Delvecchio, Terry Sawchuk and all those guys were playing.

Thank you, Senator Mahovlich. That is a very serious question on an issue that consumes a lot of the time and attention of the government.

I mentioned a couple of weeks ago that the Minister of Industry, Minister Prentice, was in Washington. Ambassador Wilson is also focusing almost exclusively on the "thickening of the border," as they call it. The Detroit-Windsor corridor, as you know, is extremely busy. Regarding infrastructure, they are working on a new Windsor-to-Detroit passage. The problem has been compounded by some of the political events south of the border in terms of certain individuals on certain television networks in the United States who have whipped up a lot of concerns about security at the border, which gets in the way of commerce — for example, and fire trucks that attempt to cross over to help put out a fire in the northern states. That is the kind of thing that happens. This is all compounded by the strength of the Canadian dollar and the long lineups at the borders.

Honourable senators, through Minister Day, Minister Cannon and Minister Prentice there are several programs in place including, as the honourable senator mentioned, the fast-track lane for truckers. The problem is this: With the long line-ups now at the border with all of the other people waiting to cross, sometimes the truckers cannot even get into the fast-track lane.

It is a very complex question that the honourable senators has asked. The government is doing many things. I would be happy to provide more detailed, department-by-department analysis for the honourable senator about what each department, namely, industry, transport and public safety, are doing to try to deal with this ongoing problem at our borders.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY—TERMS OF REFERENCE

Hon. Yoine Goldstein: Honourable senators, my question is for the Leader of the Government in the Senate. At the end of Question Period yesterday, the honourable leader characterized my question as a disgrace. Of course she did not answer it, because she could not. I now understand why this portion of our sessions is called Question Period by Senator Lowell Murray — because it is not an "Answer Period".

Could the leader break with the tradition she has single-handedly created in this chamber and answer the following question? A typical set of terms of reference for a

judicial inquiry is three pages, including the boilerplate — or four pages, tops. The operative part of any inquiry and any term of reference is no more than a page at maximum. Does it take a person of Dr. Johnston's stature two months to draft a couple of pages, or was this two-month time period allotted by the Prime Minister as a further and more transparent attempt on the part of the government to stall, delay and postpone the inevitable. Is this not a disgrace?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for his question. I think the appointment of Dr. Johnston has been very well received. He is an eminent Canadian who will address these issues seriously. The terms of reference for his responsibilities have already been posted. They are publicly available, and I would be happy to provide the honourable senator with the terms of reference with which Dr. Johnston will work.

• (1440)

As the Prime Minister announced last Friday, it was clear that the government was planning to appoint an independent third party adviser. Then, as events evolved over the weekend and the demand for a public inquiry was added to it, it only made sense to have this same independent third party draw up these terms of reference. Given the state of the allegations, the counter allegations and the rumours, there is probably not a person in this place or, certainly, in this city, who could objectively deal with the terms of reference for what this inquiry will eventually entail.

Senator Goldstein: Of course, there has been no answer to that question.

ALLEGED CASH PAYMENTS— SCOPE OF PUBLIC INQUIRY

Hon. Yoine Goldstein: Honourable senators, the mandate of Dr. Johnston makes no reference whatsoever to the role of the government in the handling of the Mulroney-Schreiber affair. Is it not rather obvious that the government is doing everything it can to hide that role from the Canadian people, and is that not a disgrace?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, what the honourable senator has suggested is quite false.

As I have said many times in this place, this particular dispute between Mr. Mulroney and Mr. Schreiber has nothing to do with the government. As I predicted yesterday and as was shown in a poll last night, 66 per cent of Canadians agree with that view.

2009 WORLD POLICE AND FIRE GAMES

GOVERNMENT SUPPORT

Hon. Gerry St. Germain: Honourable senators, I have a short question to the Leader of the Government in the Senate. The World Police and Fire Games are scheduled to take place in Vancouver, British Columbia, between July 31 and August 9, 2009. I am in somewhat of a conflict because, having been a

former policeman, I have been solicited to support the participants in this great effort. This event is a prelude to the 2010 Olympics. According to the information I received — I am not certain how accurate it is — the event will attract more people to Vancouver than the Olympics. They are seeking support, and they have spoken to the former and present governments, and I hope that my friends on the police forces, the fire departments, the paramedics and all the people involved can gain the support of our government. Would the minister be prepared to support this event?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I certainly would not want to tell Senator St. Germain that I would not support him and his friends involved in the World Police and Fire Games. The government, Canadians and especially the people in British Columbia are very much looking forward to the World Police and Fire Games in 2009. As Senator St. Germain said, it is anticipated that this event will attract thousands of participants from all over the world. Those of us who have any opportunity to spend time in British Columbia know that they will be the great hosts they have always been.

• (1445)

The Government of Canada is supportive of the games and is interested in contributing to their overall success. I can assure honourable senators that federal officials are in contact with the organizers of the event in order to assess how the activities and components of the games can be funded through federal government programs.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY— MANDATE OF THIRD PARTY ADVISER

Hon. Joan Fraser: Honourable senators, my question is directed to the Leader of the Government in the Senate and is on the matter of the third party adviser.

I was pleased that David Johnston was named for this position. He is widely respected as a person of fairness, intelligence and competence. His mandate, however, instructs him to review only allegations respecting financial dealings between Karlheinz Schreiber and Brian Mulroney. If this government is so sure that there is nothing to hide, nothing to worry about, why was it not prepared to seek a mandate for a broad inquiry that would look at all relevant matters concerning anyone who had served in or for the Government of Canada then and/or now? How can you expect Canadians not to think this appointment is set up to be a cover-up?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, many rumours and much information have been flying around. As a matter of fact, I watched the Mike Duffy show on television last night. One of Senator Fraser's own colleagues from the other place told Mike Duffy that he had been lunching with Mr. Schreiber — plotting — so obviously he was getting information from Mr. Schreiber. If it was so important, why did he not, as a privy councillor, turn this information over to the authorities?

Many stories have been going around for years. The thing that changed, as all honourable senators know, is that Mr. Schreiber swore an affidavit last Thursday or Friday, which became public on Friday. As it impacted upon the Office of the Prime Minister, the Prime Minister immediately announced that he would appoint an independent third-party adviser. That affidavit started the whole thing. As the Prime Minister said yesterday, Dr. Johnston will report and the government will follow the recommendations he makes.

ORDERS OF THE DAY

BANKRUPTCY AND INSOLVENCY ACT COMPANIES' CREDITORS ARRANGEMENT ACT WAGE EARNER PROTECTION PROGRAM ACT

BILL TO AMEND—SECOND READING

Hon. Michael A. Meighen moved second reading of Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005.

He said: Honourable senators, it is my pleasure to rise today to open the second reading debate on Bill C-12.

[Translation]

Bill C-12 makes a number of technical amendments to the aforementioned legislation in order to correct a wide range of flaws and to allow the government to implement the wage earner protection program.

• (1450)

[English]

Honourable senators will recall that the Standing Senate Committee on Banking, Trade and Commerce expressed serious reservations about chapter 47 — or Bill C-55, as it then was — and urged the government of the day not to bring it into force until amendments such as those proposed in this bill were made.

I will begin by highlighting the purpose of chapter 47, which consists of reforms to bankruptcy and insolvency laws in Canada and includes the introduction of a wage earner protection program. Following that, I will share some of the key technical changes the government proposes to make to this legislation so as to meet many if not all of the concerns raised by honourable senators and others.

Even in good economic times, bankruptcies are a fact of life in a free market economy. Businesses fail for many reasons and, when they do, workers are among the most vulnerable due to the uncertainties that ensue.

Anyone who has worked at a company that has experienced a bankruptcy or insolvency will express that it is an unsettling business. Not only are workers left wondering about future

employment, but many are troubled with doubts about whether they will receive money owed to them. This bill is another step in helping to resolve those doubts.

Legislation was passed by Parliament in 2005 to address this issue. However, as I indicated earlier, certain technical amendments were required to ensure that insolvency reform and wage earner protection measures will function as intended. The bill now under consideration contains the requisite technical amendments.

[Translation]

The government has promised to help all Canadians and their families and the companies that employ them. It is determined to treat all parties fairly and is succeeding in doing so with Bill C-12.

[English]

The wage earner protection program will help to safeguard workers in companies facing bankruptcy or receivership. It will ensure that workers will receive their money when they need it most.

Currently, provisions in the Canada Labour Code provide some recourse for workers whose employers do not pay the wages owing. Provincial labour laws also have similar provisions. However, when an employer declares bankruptcy or is subject to receivership, insolvency laws take precedence, and, in a bankruptcy, unpaid wages become a debt of the employer's estate. This places an unfair burden on workers because, unlike other creditors, workers do not generally have other sources of income to fall back on.

Even worse, honourable senators, current laws do not guarantee that insolvent employers will pay claims of unpaid wages owed to their workers. As matters stand, those claims can only be paid after the claims of secured creditors have been resolved. As a result, many workers who find themselves in this position, through no fault of their own, never receive all of the wages owed to them.

One estimate, honourable senators, indicates that only 13 cents on the dollar in unpaid wages are ever recovered. In most cases, that is, three quarters of unpaid wage earners receive absolutely nothing. Just as noteworthy, 70 per cent of corporate bankruptcies are small businesses, companies that have fewer than 10 employees, and many of these are in the retail, food services and accommodation industries, where wages are generally lower than in other areas.

Our government is bringing greater fairness to circumstances such as these. The wage earner protection program guarantees reimbursement of unpaid wages within a reasonable time frame. Earned but unused vacation pay will also be protected.

The program will pay workers an amount up to the equivalent of four weeks' maximum insurable earnings under the Employment Insurance Act. That sum is currently about \$3,000. The expectation is that this sum will cover amounts owing for wages and vacation pay in full 97 per cent of the cases. Not only will this program protect workers in the federal jurisdiction, honourable senators, but it will also protect all Canadian workers.

Payment will no longer depend upon the amount of assets in an employer's estate. Workers will be paid what is owed to them in a timely manner.

That brings me to another important consideration about this program, which is the price tag. The program will be very affordable, honourable senators. Annual costs are estimated at \$35 million, reaching \$50 million in the event of serious economic downturn. However, given the super-priority established in the legislation, the government will be able to recover a large part of its payment from the assets of the insolvent business.

Under the wage earner protection program, payment will be provided in a timely way. Government will wait, as it should, to recover the money from insolvent businesses.

The program will be delivered by Service Canada, in collaboration with trustees in bankruptcy and receivers. The trustee or receiver will inform prospective claimants of eligibility and will provide Service Canada, as well as the unpaid worker, with information on unpaid wages and vacation pay. Service Canada will determine the amount and make the payment.

[Translation]

Honourable senators, the wage earner protection program is a good legislative measure that is well thought out and well designed. We were very proud to propose it and adopt it.

Every party in Parliament supported the program during debate on the original bill.

The unions also support it, as do bankruptcy experts. They have witnessed firsthand the need to better protect workers in these circumstances.

Furthermore, this is a program Canadian workers have been asking for. Many of them were surprised to learn that such a protective measure did not already exist.

[English]

Honourable senators, as I indicated earlier, key adjustments are being proposed to this important new program. The adjustments include ensuring that standard deductions are made from program payments just as they are for wages; enhancing the fairness of the conditions of eligibility; allowing trustees, receivers and other persons a defence of due diligence when they have proven that they have done everything in their power to fulfil their duties under the act but were unable to do so; and ensuring that people who have acquired payroll information will assist trustees and receivers in performing their duties.

Eligibility requirements are being adjusted to safeguard against those who might attempt to abuse the program. For instance, it is proposed that applicants not be related, whether by marriage, blood or adoption, to the main decision-makers of a company facing insolvency, but those who are excluded, honourable senators, will have an opportunity to prove that their family relationship is not related to their employment relationship. In such cases, an applicant could be eligible for the program.

Measures must also be taken, honourable senators, to ensure that insolvency professionals are supported and properly paid for their work under the program. In cases where a company's assets

are modest, insolvency professionals could otherwise decline to take on the bankruptcy, concerned perhaps that they would not recover enough money to cover their fees. That would prevent wage earners from receiving assistance from the program. In turn, this could reduce the number of wage earners eligible for the program and create inequities among unpaid wage earners. This would run counter to the program's intent, which is to protect vulnerable workers.

The amendments contained in Bill C-12 in relation to the wage earner protection program are carefully considered, and I do commend them to the attention of honourable senators.

I now turn to the broader scope of insolvency and bankruptcy reforms proposed in this bill. A smoothly running economy depends on having rules governing businesses that are both fair and balanced. Canada's insolvency system is no exception. It must be fair. It must be predictable as far as being able to assess risk. It must be transparent so creditors can defend their interests, and it must be efficient, ensuring that there are appropriate incentives while deterring abuse.

Building on measures first introduced in Parliament in 2005, as I mentioned earlier, the bill before us today will complete the modernization of Canada's insolvency system. It also addresses technical errors in the previous legislation that prevented it from operating as was intended. The bill makes it easier for financially troubled companies to restructure. It makes the system fairer. The proposed amendments will also reduce the possible abuse by those debtors who might be tempted to dispose of their assets prior to filing insolvency proceedings.

For example, honourable senators, the new rules will deter selling or transferring ownership of assets at unreasonable prices — I believe it is called "transfers undervalued" — to a spouse or family member to reduce the ability of creditors to recover unpaid claims.

Another amendment will help to protect trustees. There was some concern that trustees might be held personally responsible for debts and obligations resulting from the debtor's conduct prior to the trustee's appointment. This was clearly not what was intended, and the amendment clarifies this situation. This will help to encourage insolvency professionals to participate in restructuring efforts and accordingly will help to protect employment.

• (1500)

[Translation]

In the past, student loan debt was non-dischargeable if the bankruptcy occurred within 10 years after studies ended. Under the proposed reforms, that period would be reduced to seven years for a normal bankruptcy process and to five years in cases of proven financial difficulty.

[English]

In addition, there was an unforeseen deficiency in the earlier legislation. The current wording does not allow the changes to be applied retrospectively, as had originally been intended.

A student loan recipient who filed for bankruptcy before the coming into force of chapter 47 would be required to re-file for bankruptcy in order to apply to the court for hardship under the new five-year rule. The purpose of the amendment to the Bankruptcy and Insolvency Act is to ensure that the new seven and five-year discharge provisions are immediately available to individuals for whom the benefits were intended.

Insolvency laws should prevent the abuse of the rules intended to help honest but unfortunate debtors, but some people try to use bankruptcy to avoid paying income tax while they reap the benefits of keeping that money. That is unfair to the vast majority of Canadians who do pay their taxes.

The plan in chapter 47 was to address this problem by prohibiting an automatic discharge for those debtors with over \$200,000 in income tax debt representing 75 per cent or more of their total debt. Debtors would instead be required to go before a judge and explain why their debts should be discharged. A judge could refuse a discharge or order a repayment of a portion or all of the debts. The amendments in Bill C-12 ensure that those who find themselves liable for a tax debt of a third party are not captured inadvertently by these provisions.

Honourable senators, the proposed measures we are contemplating in this chamber today are equitable, balanced and efficient. If brought into force in conjunction with these technical amendments, chapter 47 is an appropriate response, it seems to me, to the many calls heard from Canadians for a more modern insolvency system, and it extends important new provisions to safeguard workers' wages in the event of a bankruptcy or receivership on the part of their employer.

The proposed new measures address technical deficiencies found in previous legislation. By remedying these deficiencies they allow chapter 47 to protect jobs by ensuring that companies have every opportunity to restructure rather than closing their doors.

Honourable senators, this bill does not pretend to be a perfect solution to every issue, but it does make it possible to bring into force some long-awaited improvements to our insolvency and bankruptcy laws. I look forward, both here and probably in committee, to the comments in this regard of Senator Goldstein. Our colleague, as many of you know, is a widely acknowledged expert in matters of bankruptcy and insolvency whose talents I came to admire and respect during the years that I practiced law before the bar of Montreal.

[Translation]

In conclusion, honourable senators, I would ask that you carefully consider this important bill, and I urge you to pass it quickly at second reading.

[English]

Hon. Yoine Goldstein: Honourable senators, Senator Meighen has given us a splendid overview of Bill C-12 and its history, and I thank him for his very kind and thoroughly unjustified words. I would like to hope that he would have occasion to repeat them to my wife.

Honourable senators, I do not intend to repeat any of what Honourable Senator Meighen has said so very eloquently, nor do I intend to speak for more than just a few minutes. Because of the very important nature of this legislation, I hope that there will be a motion today to refer the bill to committee so that the Standing Senate Committee on Banking, Trade and Commerce, under the supervision, guidance and the presidency of Senator Angus, can give it the study it deserves and move it along. It has been long delayed, and it is time that Canada's bankruptcy legislation were updated.

Before I enter into the few remarks that I intend to make, I want to state for the record that, as Senator Meighen has suggested, I was very active in another life in bankruptcy and insolvency matters. I remain loosely associated with a law firm that handles bankruptcy and insolvency matters. I am occasionally asked questions — not that I have all the answers — about bankruptcy and insolvency, and I answer them.

I say this because I would like to assume and hope that no one in this chamber will think that I am dealing with this legislation, either here or in the committee, in a way suitable to my interests and not suitable to the interests of the people of Canada. My sole interest is to have excellent legislation for the excellent people of Canada.

Honourable senators, bankruptcy law is framework legislation. It is essential to have an updated bankruptcy law for the commercial welfare of Canada. Trade is increasingly cross border or borderless, and unless Canada has a modern and efficient bankruptcy and insolvency system, we cannot be players in this competitive commercial world of ours.

However, independent of commercial insolvency, there remains a generically different type of insolvency, one that directly affects almost a quarter of a million Canadians each and every year. I am talking about personal bankruptcy and insolvency. Honourable senators, almost a hundred thousand Canadians go into bankruptcy each and every year. Many of them — perhaps most of them — have spouses. Many of them have children. All of them obviously have creditors. The net result is that personal insolvency touches, directly and immediately, well over a quarter of a million different Canadians each and every year.

It is therefore essential that the provisions dealing with personal insolvency be fair, humane, equitable, and achieve a reasonable balance between the interests and the needs of creditors who advance credit on the one hand and individual debtors who are unable to cope with the credit system upon which our entire economy relies.

Honourable senators, we faced a dilemma, as almost all of you will recall, in November of 2005. On the one hand, everyone was very anxious to pass the Wage Earner Protection Program. On the other hand, that plan was not readily severable from the rest of the bill, and the rest of the bill contained numerous failings. Many of them were technical failures, but some of them were quite substantive. I do not intend to deal with all of them because that would be lengthy, and I do not intend to touch upon the ones with which Honourable Senator Meighen has already dealt.

However, I do want to point out, as the honourable senator has done, that the current legislation effectively precludes students from declaring bankruptcy any earlier than ten years from the date that they finish their studies. That is inhuman and is unknown in the entire Western world. That provision for ten years in the desert was put into the Bankruptcy and Insolvency Act in 1998 without notice or the knowledge of anyone at the behest of, I suppose, certain stakeholders who had a particular interest in so doing. It has wrought untold misery to many students in this country, those who are unfortunate enough to not be able to get the jobs which would allow them to repay their indebtedness.

There is presently pending before this honourable chamber a private member's bill — modesty prevents me from telling you who the sponsor is — that seeks the possibility of students making an application to a court of competent jurisdiction, where there is significant and terrible hardship in the repayment of a student loan, to allow that student to repay only part of that loan, or perhaps none of it, depending on the circumstances and depending on the discretion of the judge and the explanations of that student. I would like to hope that that aspect, which is covered by the bill, will receive further study by the committee.

Another matter which is incomplete is with respect to businesses that are undergoing reorganization and need to borrow money. That is called, for a variety of reasons, "DIP financing." In other words, debtor-in-possession financing. DIP financing is covered by the bill, but incompletely so, in the minds of some stakeholders, and therefore some stakeholders who will be appearing before the committee will be seeking amendments to that clause.

• (1510)

Certain other matters require consideration, and I hope the Standing Senate Committee on Banking, Trade and Commerce will be able to provide legislation to address them as quickly as possible.

The Hon. the Speaker pro tempore: Continuing debate?

Senator Comeau: Question!

[Translation]

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Meighen, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

PROPOSED REGULATIONS AMENDING THE CITIZENSHIP REGULATIONS (ADOPTION) AND REGULATORY IMPACT ANALYSIS STATEMENT

MOTION TO REFER TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice given November 14, 2007, proposed:

That the document entitled *Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement*, tabled in the Senate on Wednesday, November 14, 2007, be referred to the Standing Senate Committee on Social Affairs, Science, and Technology for review and report.

Motion agreed to.

[English]

CANADA PENSION PLAN

SENIORS' BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.—(Honourable Senator Robichaud, P.C.)

Hon. Elizabeth Hubley: Honourable senators, I would like to thank Honourable Senator Robichaud who is allowing me to speak today. When I complete my presentation, I would like the adjournment to remain in his name.

Honourable senators, it is my pleasure to participate in this inquiry calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits to which they are entitled from the Canada Pension Plan.

Senator Callbeck is to be commended for raising this issue, as it is an important one that affects seniors across the country. It is also important for many thousands more Canadians who are approaching retirement age.

The issue is straightforward. According to the government's own statistics, tens of thousands of Canadians have failed to apply for a Canada Pension Plan benefit for which they qualify, whether it is the retirement benefit or the survivor's benefit. This failure to apply appears to result mainly from the fact that beneficiaries do not realize they are eligible.

As Senator Callbeck has pointed out, the problem seems to affect women disproportionately. This situation is particularly true for women who may have participated in the workforce for only a few years, or who may have left the workforce long before reaching retirement age. Often, women in these circumstances are not aware that they are eligible for a benefit.

Honourable senators, I recall a similar problem with the Guaranteed Income Supplement. Often, seniors failed to apply, either because they did not know the GIS existed or they did not know they qualified.

[Senator Goldstein]

I understand that the situation with the GIS improved after the government implemented measures to promote awareness. Steps were also taken to make direct interventions as the opportunity arose when seniors contacted government through Service Canada and other access points.

These outreach measures were the right thing to do for the GIS, which is simply a benefits program funded entirely by the taxpayer. I know the government makes similar efforts with the CPP, but clearly, there are still people who do not receive the message.

Unlike the GIS, the Canada Pension Plan is funded by obligatory contributions. People who made contributions and who have not applied for benefits are missing out on something they have paid for, something that belongs to them. All the more reason, then, for the government to redouble its efforts to reach out to Canadians who fail to apply for their CPP entitlements, and to take every step necessary to bring application rates into line with the levels achieved in the Quebec Pension Plan.

Honourable senators, Senator Callbeck has provided a service for seniors by voicing the message that people need to apply. I was disappointed at the reaction last week of the Leader of the Government in the Senate and Secretary of State for Seniors.

Last week, Senator LeBreton took issue with an editorial published by *The Guardian* newspaper in Prince Edward Island. In her letter to the editor, the Secretary of State for Seniors missed an opportunity to reinforce the message that many seniors are not aware of their entitlements, and that they need to apply. Quite the contrary, her letter suggested that all was well with seniors programs.

What is truly unfortunate is that the Secretary of State for Seniors used the occasion to attack the integrity and honesty of Senator Callbeck. I think that attack is a shame because Senator Callbeck's approach had been non-partisan and constructive. She called attention to a problem to create greater awareness. By doing so, she helped to coax the department into augmenting its outreach efforts.

At the same time, her message was no doubt reaching individual Canadians, which is what needs to happen if we want to improve application rates. Her efforts on behalf of seniors did not merit the personal attack from Senator LeBreton.

Honourable senators, not every speech by a Liberal is a partisan swipe at the Conservative government. We are here to work together on behalf of our regions and on behalf of all Canadians. Naturally, in a democracy, there are differences among political parties but the letter to the editor by the Secretary of State for Seniors went too far. It was an unwarranted attack on the integrity of a good senator who works hard on behalf of her province. It was a disproportionate and disappointingly partisan response to a constructive effort to improve results for seniors.

Honourable senators, earlier this week, a public meeting was held in Charlottetown where the principal investigator for the Atlantic Seniors Housing Research Alliance project presented data gathered from a survey of 1,702 Atlantic Canadian seniors.

According to the Canada Mortgage and Housing Corporation housing affordability standards, Canadians should not need to

spend more than 30 per cent of their household income on shelter costs, including rent, mortgage, electricity, heating costs and water.

• (1520)

However, this survey shows that almost 50 per cent of Atlantic seniors spend 30 per cent or more of their income on shelter costs. Almost 20 per cent are spending over 40 per cent of their household income on shelter costs. This is a housing affordability crisis for our seniors. Ensuring Canadians are receiving benefits to which they are entitled is part of the solution to this problem.

I hope that the Secretary of State for Seniors will abandon her defensive partisan posture and acknowledge that there is still much work to be done and take up the call to improve outreach to Canadian seniors. Seniors have paid into a system with their hard-earned wages; they have every reason to expect that more will be done. For their sake, I invite the minister responsible for their welfare to join with Senator Callbeck and others in working towards ensuring that every Canadian who qualifies will receive their Canadian Pension Plan benefit.

On motion of Senator Hubley, for Senator Robichaud, debate adjourned.

CHARTER OF RIGHTS AND FREEDOMS

RECOGNITION OF TWENTY-FIFTH ANNIVERSARY— INQUIRY—DEBATE ADJOURNED

Hon. Sharon Carstairs rose pursuant to notice of October 17, 2007:

That she will call the attention of the Senate to the 25th anniversary of the *Canadian Charter of Rights and Freedoms*.

She said: Honourable senators, I introduce this inquiry because I believe that all Canadians are concerned with the importance of our Charter in its twenty-fifth anniversary year. Cast your mind back to where you were in 1982. All of us can remember the Prime Minister and the Queen of Canada on Parliament Hill signing our new Constitution, which included the Charter of Rights and Freedoms.

I was teaching in a community well-known to Senator Stratton at the time, St. Norbert, and I decided it was important that each of my students understand this new document called the Charter of Rights and Freedoms. I ordered enough copies for every one of my students; I had the documents laminated so they would not get all dog-eared, and I went through every single one of the newly listed rights and freedoms with my students. They may have been somewhat bored. They did not appear to be. It was important for them, as Canadians, to understand the richness of this new Charter which had been given to them.

The people of St. Norbert were particularly interested in francophone and equality rights. Some Aboriginal Canadians in that classroom were concerned about their rights. We spent several weeks talking about what it was that had been enshrined in the Constitution in 1982, although I know that Senator Nancy

Ruth would be quick to point out that some of those provisions did not take effect until 1985, but they were taught to expect them within three years.

Among other principles, I taught that the principle of justice cannot be served in a criminal process if the accused person has no legal counsel. Likewise, I pointed out the rights guaranteed under the Charter are largely meaningless if an individual or group lacked the resources to seek a remedy should their rights be infringed or denied. That is why many Canadians were disappointed by the decision of the current government to eliminate the Court Challenges Program of Canada. The program not only helped to shape our understanding of human rights in a modern democratic society, but it also helped to foster the clarification of those rights. Whether challenges were successful or not, bringing important legal questions before the court for determination was always of great value. This process had the additional benefit of effectively reducing the cost of litigation for those who would later seek redress for grievances in similar situations and effectively help to ensure universal access to the justice system.

Honourable senators, in order that you might better understand the history of the Court Challenges Program of Canada, I wish to go back a moment to its important contribution to the development of a modern egalitarian society where human rights are a core value shared by all Canadians.

The program actually extends prior to the adoption of the Charter. It first came into being in 1978, principally as a means of assisting linguistic minorities in Canada. The program fell under the supervision of the Secretary of State, and it assisted in deferring the legal costs of groups pursuing court challenges to provincial laws and programs that infringed upon linguistic rights. The criteria for funding test cases centred on legal merit and the national importance of the questions of law at issue. Cases were only funded if they involved more than one person.

Many will recall one of the landmark cases for linguistic minorities in the 1980s, which centred on the status of the laws of my home province of Manitoba, which were enacted in English only. This was not a Charter case, but it was nonetheless an important question of legal rights of linguistic minorities under the laws of the province, including the provincial Constitution.

Many observers at the time said that despite the black letter of the law the court simply could not take the enormous step of invalidating the entire statute book of the province of Manitoba. In the end, the Supreme Court of Canada surprised observers when it ruled in the case *Reference re Manitoba Language Rights* declaring that the laws and regulations not published in both official languages in the province of Manitoba were invalid. However, the court deemed the unilingual versions to be temporarily valid for the minimum period of time necessary for their translation, re-enactment, printing and publication.

The province undertook the important work with all due diligence and, since that time, I am proud to say the laws of Manitoba and the regulations which accompany them have been passed and published in both official languages.

To many of us this result was not only the illustration of the strong foundations of the rule of law in Canada; it demonstrated that Canada's commitment to human rights was more than just

rhetoric. Moreover, in this case, the minorities whose rights were affected were not left to fend for themselves. Early in the process, before it reached the highest court in the land, the federal government provided the needed resources, without which a viable challenge might not have been mounted. A few years later, with the inception of the Charter, the program was expanded beyond its origins as a tool for protecting linguistic minorities. Beginning in 1982, the program's mandate was enlarged to include challenges in cases involving Charter rights, particularly the provisions that came into force in 1985. In addition, funding was no longer limited to provincial matters. Cases would be eligible for funding even where the respondent was to be the federal government.

In 1985, a subcommittee of the other place commented on the program in a report called *Equality For All: Report of the Parliamentary Committee on Equality Rights*. The committee was chaired by the respected Progressive Conservative Patrick Boyer, and the report had unanimous support. As I recall, the Liberal representative in the committee was our former senate colleague Sheila Finestone who was then the Member of Parliament for Mount Royal. The committee pointed to the need to provide assistance to litigants if the implementation of the Charter was to be meaningful. The report stated:

In the short time since section 15 came into force on April 17, 1985, there have been many lawsuits initiated on the basis of this provision of the Charter. They involve individuals on the one side and, generally speaking, government departments or agencies on the other side. The imbalance in financial, technical and human resources between the opposing parties constitutes a serious impediment to those who might wish to claim the benefit of section 15, thus reducing the effectiveness of resorting to the courts as a means of obtaining redress.

Thus the value of the program and the importance of funding litigants were acknowledged by all parties in Parliament at that time. Despite the change in government that occurred in 1984, funding was sustained. Since then, the program has assisted in dozens of cases, many of which resulted in landmark rulings from the Supreme Court of Canada. These cases have not only settled the legal questions in individual cases but have helped shape a body of Charter jurisprudence that makes it easier for everyone in Canada to understand, respect, defend and enforce basic human rights and their everyday lives.

• (1530)

At the same time, the elements of the program's original mandate remained. It continued to include cases, particularly linguistic rights, involving legal rights not rooted in the Charter. Fourteen years after its inception, the program in 1992 was abruptly cancelled by then-Secretary of State, Robert de Cotret. The decision to cut the program was revealed through the tabling of the estimates. As I understand it, the rationale for the decision was that the program had accomplished its objective, and funding for litigants was no longer needed. The House of Commons Standing Committee on Human Rights and the Status of Disabled Persons swiftly denounced the decision, and scarcely a year later, the leader of the Progressive Conservative Party reversed the decision. As the Right Honourable Kim Campbell went to the polls to seek a fresh mandate as Prime Minister of Canada, she promised to reinstate the program.

In 1994, shortly after taking office, the new government of the Right Honourable Jean Chrétien reinstated the Court Challenges Program. This time, it was done as an arm's-length non-profit organization funded by contributions through the Department of Canadian Heritage. Funding continued for another 12 years.

Not long after the Conservative government took office, the Minister of Finance and President of the Treasury Board announced the termination of the program on September 26, 2006, as part of a long list of program cuts and spending reductions. Many people were puzzled that the government was willing to undermine its commitment to human rights by sacrificing this tiny program. They listed the savings from the decision as a mere \$5.6 million per year, about half of 1 per cent of the savings objective, and this in the context of a ballooning budget surplus. It is revealing that the program was lumped in with lists of other programs that, according to the government's media release, "weren't providing value for money."

This conclusion is surprising as the most recent Canadian Heritage evaluation of the program in 2003 identified no such concerns. In announcing the elimination of the program, the government has not produced any analysis or evaluation that sustains its conclusion.

Honourable senators, it is hard to measure or account for "value for money" in the field of basic human rights and fundamental equality. It is hard to know where to begin when confronted with such an attitude. There are too many cases to mention here today, but let me remind honourable senators of a few that illustrate the contributions made by the Court Challenges Program to our advances in human rights.

One recent example is the 2004 *Iness* case in Ontario where the practice of charging welfare recipients higher rents in cooperative housing than other subsidized tenants was successfully challenged. A 1999 Supreme Court ruling in *Corbiere* struck down the residency requirements of the Indian Act that prevented off-reserve band members from voting in band elections. This discriminatory practice disenfranchised many Aboriginal persons, and affected women disproportionately. Other cases include the 1995 decision in *Egan* and the 1998 decision in *Rosenberg* that opened the door to the extension of spousal benefits to same-sex couples. These examples are where the Court Challenges Program helped clarify human rights law throughout Canada with a targeted application of a small budget.

Honourable senators, Canada is regarded as an international leader in human rights. I have the honour to serve as Chair of the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians. In the relatively short time that I have served in that role, it has become clear to me that Canada's commitment — both principled and pragmatic — to the ideal for the respect of human rights has been an inspiration to many countries that have been involved in drafting constitutions and modernizing legal systems and institutions in the past few decades. Many have profited from our experience and our jurisprudence as they develop their own basic laws and institutions.

Canada is an example to others because our experiment with constitutionally entrenched human rights has been a resounding success. Our success in implementing the Charter — in making it a meaningful and enforceable document that Canadians

cherish — was largely dependent on the practical decision to fund challenges. Without such funding, our progress in shaping a society that respects and values human rights would have been much slower, our jurisprudence would be far less advanced and we would not be able to say that we have minimized the barriers that prevent people from gaining access to the justice system.

Honourable senators, I hope that those on the other side who have influence in the government will prevail; that the decision to cut the program will be reconsidered before long and acknowledged as a mistake. Nearly 15 years ago, the Progressive Conservative Party realized its error, and set out to correct it. When Mr. Baird and Mr. Flaherty announced their decision to de-fund the program last year, it was in its twenty-eighth year. As we reflect upon the 25 years of Charter rights in Canada, I urge the honourable senators on both sides of this house to reflect on what value we would place on the Charter today if it had not been for the Court Challenges Program.

On motion of Senator Comeau, for Senator Oliver, debate adjourned.

THE SENATE

MOTION TO AUTHORIZE INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE TO STUDY POLICIES IN ORDER TO REDUCE GREENHOUSE GAS EMISSIONS—DEBATE ADJOURNED

Hon. Nick G. Sibbeston, pursuant to notice of November 1, 2007, moved:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on changes to Senate policies necessary to incorporate into the 64-point travel system for individual senators and into committee travel budgets the costs of purchasing carbon offsets that meet the goal of reducing greenhouse gas emissions and also meet internationally recognized standards and certification processes;

That the committee also evaluate, as a further means to reduce greenhouse gas emissions, the possibility of expanding the use of teleconferencing and other technological systems to reduce the need for witness travel to Ottawa; and

That the committee present its final report to the Senate no later than December 12, 2007.

He said: Honourable senators, I have spoken a number of times about the effects of global warming on the North. In my visits to various communities last spring, people said they were experiencing real climate change. The spring had come earlier and the winters were warmer; they have experienced unpredictable weather throughout the course of the year.

The North is seeing species of animals, birds and insects that have not been seen before. The honourable senators will have seen reports about the extent of open waters in the Northern Passage as well as the prevalence of thinner ice. These stories and the facts are becoming more prominent in the news.

Some things have been done to reduce the impact of climate change. The government, over the last few years, has had various programs and measures to reduce greenhouse gases. The Prime Minister said recently he will take a leadership role in fighting climate change. Many measures will take a long time to implement and an even longer to effect. This delay is understandable; it takes time to replace infrastructure and develop new technologies to move us toward a low carbon economy. It is possible to do something now, however. The Senate can be a leader in this matter. The modest steps that we take will immediately reduce the amount of greenhouse gases being put into the atmosphere. It is estimated that air travel is responsible for 2 per cent of all greenhouse gases in the air and, according to a noted Canadian environmental economist, Marc Jaccard, that share is likely to grow. The fuel for airplanes is very powerful and cannot be replaced with ethanol or biodiesel, or even with hydrogen. Even with improved technology, we might always need fossil fuels to power our planes.

• (1540)

What is the solution? One thing we can do is purchase carbon offsets for each flight that we take. The cost is fairly low and is estimated at between \$20 and \$30 per person for a return flight from Ottawa to Fort Simpson in the Northwest Territories. Carbon offsets can be as simple as planting trees that will absorb the carbon from the air as they grow. However, this is not the best approach because trees do not necessarily survive; they might eventually be cut down and burned. Investments in fuel, and switching from high carbon to lower carbon fuels or in the development of renewable energy makes more sense in the long run, even if they cost a little more in the short run. Organizations in Canada and internationally have studied the best way to offset carbon. This is one area that the committee can look into.

Purchasing carbon offsets will make us aware of this issue. Every time we travel we will be conscious of contributing to greenhouse gas emissions and what we are paying to offset them. Just like the hydrogen bus that transports us on Parliament Hill, it will be a concrete example of something that we can do. It is impressive and noticeable, and every time we have people from the North here, I tell them about the hydrogen bus. They are amazed that it does not use gas and can move along the road fuelled by hydrogen. If we get involved in the carbon offset program, however modest, it will send a positive message that senators are doing something about the problem.

British Columbia and Manitoba have already adopted a policy to buy carbon offsets for government travel. This year, they both joined the Western Climate Initiative, which includes a number of U.S. states. Some municipalities have taken similar steps in B.C. and joined the Climate Change Charter, which is committed to carbon neutrality by the year 2012. This fall, a press release stated that 62 communities have joined a plan to deal with greenhouse gases. They established the Western Climate Initiative and set up a climate registry to keep note of all these things.

Yellowknife in the Northwest Territories has taken steps to reduce carbon emissions by 20 per cent by the year 2010. Carbon offsets will play a role in achieving these goals. However, to date, eight provinces and the federal government have not moved in this direction to deal with greenhouse gases.

The Senate can take leadership on this issue. It behoves the Senate to do something positive in this realm. The motion is that the Internal Economy Committee look into the matter and report to the house by December 12, 2007. It is my hope that all honourable senators will support this motion.

On motion of Senator Comeau, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO MANDATE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and

- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development.

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2009, and that the Committee retain until September 30, 2009, all powers necessary to publicize its findings.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a brief question for the chairman of the committee. The mandate of the Energy Committee states:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;

I am assuming that the words "trade" and "security," given that we have other committees that look after security issues, would be considered apart from matters under the mandate of the Standing Senate Committee on National Security and Defence, or the Standing Senate Committee on Foreign Affairs and International Trade. I would like to know whether there might be overlapping mandates of committees; whether you have discussed this with the chairs of those committees; and whether, in your view, the mandate of the Energy Committee might be encroaching on or interfering with the work of other committees?

Senator Banks: Honourable senators, needless to say, this motion has been approved by the committee in its application to the Senate. The word "security" is in reference to the supply of energy, in the sense that there are two "countries" in Canada as far as oil supply is concerned. Most of the oil processed from Quebec and the East comes from outside Canada, from places where supplies might not be secure one day. In the West, there is a security of supply but an enormous amount of that oil is exported to western parts of the United States. Thus, we have a division down the middle of North America. When the matter is addressed, it will be on the security of supply of not only oil and gas but also other forms of energy in Canada. It does not refer to security in the sense of protecting the infrastructure from terrorism or that kind of thing and, therefore, does not intrude on the mandates of other committees.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Senator Carstairs: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Wilbert J. Keon, pursuant to notice of November 14, 2007, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Wilbert J. Keon, pursuant to notice of November 14, 2007, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

MOTION TO AUTHORIZE COMMITTEE TO REQUEST TRANSCRIPTS OF IN CAMERA MEETINGS WITHDRAWN

On Motion No. 26, by Honourable Senator Keon:

That the Chair and Deputy Chair be authorized to request transcripts for in camera meetings be produced, when deemed necessary, for the use of the Chair, Deputy Chair, the members of the committee, the Clerk of the Committee and its analysts in accurately reflecting the discussions of the Committee in minutes and draft reports; and

That these transcripts be destroyed at the end of a session.

Hon. Wilbert J. Keon: Honourable senators, I wish to advise the Senate that I am withdrawing Motion No. 26 on the Notice Paper.

The Hon. the Speaker pro tempore: Senator Keon does not need leave. It was just a Notice of Motion so it does not require leave to be withdrawn. Are honourable senators agreed?

Hon. Senators: Agreed.

Motion withdrawn.

• (1550)

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 20, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, November 20, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(2nd Session, 39th Parliament)

Thursday, November 15, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0			
S-3	An Act to amend the Criminal Code (investigative hearing and recognition with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30							
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	07/11/13	Legal and Constitutional Affairs					
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							

CONTENTS

Thursday, November 15, 2007

SENATORS' STATEMENTS

Official Languages

Linguistic Policy at Canadian Forces Base Borden. Hon. Maria Chaput	216
--	-----

Aboriginal Representation in Post-secondary Sciences

Hon. Lillian Eva Dyck	216
-----------------------------	-----

The Late John Arpin

Hon. Francis William Mahovlich	216
--------------------------------------	-----

Role of Women in Armed Forces

Hon. Lucie Pépin	217
------------------------	-----

Darfur

Hon. Yoine Goldstein	217
----------------------------	-----

National Child Day Celebrations in the Senate

Hon. Jim Munson	218
-----------------------	-----

ROUTINE PROCEEDINGS

Study on International Obligations Regarding Children's Rights and Freedoms

Government Response to Report of Human Rights Committee Tabled. Hon. Gerald J. Comeau	218
--	-----

Banking, Trade and Commerce

Report Pursuant to Rule 104 Tabled. Hon. W. David Angus	218
--	-----

Canada-United States Tax Convention Act (Bill S-2)

Bill to Amend—Report of Committee. Hon. W. David Angus	219
---	-----

Legal and Constitutional Affairs

Report Pursuant to Rule 104 Tabled. Hon. Joan Fraser	219
---	-----

Aboriginal Peoples

Report Pursuant to Rule 104 Tabled. Hon. Gerry St. Germain	219
---	-----

Foreign Affairs and International Trade

Report Pursuant to Rule 104 Tabled. Hon. Consiglio Di Nino	219
---	-----

Agriculture and Forestry

Report Pursuant to Rule 104 Tabled. Hon. Joyce Fairbairn	219
---	-----

Scrutiny of Regulations

First Report of Joint Committee Presented. Hon. J. Trevor Eyton	219
--	-----

National Blood Donor Week Bill (Bill S-220)

First Reading. Hon. Ethel Cochrane	220
---	-----

Banking, Trade and Commerce

Notice of Motion to Authorize Committee to Engage Services. Hon. W. David Angus	221
--	-----

Notice of Motion to Authorize Committee to Study Issues Dealing with Interprovincial Barriers to Trade and Refer Papers and Evidence from Previous Session. Hon. W. David Angus	221
Notice of Motion to Authorize Committee to Permit Electronic Coverage. Hon. W. David Angus	221
Notice of Motion to Authorize Committee to Study Present State of Domestic and International Financial System and Refer Papers and Evidence from Previous Session. Hon. W. David Angus	221

Legal and Constitutional Affairs

Notice of Motion to Authorize Committee to Engage Services. Hon. Joan Fraser	221
Notice of Motion to Authorize Committee to Permit Electronic Coverage. Hon. Joan Fraser	221
Notice of Motion to Authorize Committee to Study Including in Legislation Non-derogation Clauses Relating to Aboriginal Treaty Rights and Refer Papers and Evidence from Previous Sessions. Hon. Joan Fraser	222

Social Affairs, Science and Technology

Notice of Motion to Authorize Committee to Study State of Early Learning and Child Care and Refer Papers and Evidence from Previous Session. Hon. Wilbert J. Keon	222
Notice of Motion to Authorize Committee to Study Impact and Effects of Social Determinants of Health and Refer Papers and Evidence from Previous Session. Hon. Wilbert J. Keon	222
Notice of Motion to Authorize Committee to Study Current Social Issues of Large Cities and Refer Papers and Evidence from Previous Session. Hon. Wilbert J. Keon	222

Agriculture and Forestry

Notice of Motion to Authorize Committee to Study Present State and Future of Agriculture and Forestry and Refer Papers and Evidence from Previous Session. Hon. Joyce Fairbairn	223
Notice of Motion to Authorize Committee to Study Rural Poverty and Refer Papers and Evidence from Previous Session. Hon. Joyce Fairbairn	223
Notice of Motion to Authorize Committee to Engage Services. Hon. Joyce Fairbairn	223
Notice of Motion to Authorize Committee to Permit Electronic Coverage. Hon. Joyce Fairbairn	223

Foreign Affairs and International Trade

Notice of Motion to Authorize Committee to Permit Electronic Coverage. Hon. Consiglio Di Nino	223
Notice of Motion to Authorize Committee to Engage Services. Hon. Consiglio Di Nino	224

QUESTION PERIOD

Hon. Marjory LeBreton

Letters to Charlottetown <i>Guardian</i> Regarding Canada Pension Plan. Hon. Catherine S. Callbeck	224
Hon. Marjory LeBreton	224
Hon. Lowell Murray	224

	PAGE
Secretary of State for Seniors	
Responsibility of Minister.	
Hon. Sharon Carstairs	224
Hon. Marjory LeBreton	225
Efforts to Inform Potential Recipients of Guaranteed Income Supplement and Canada Pension Plan.	
Hon. Sharon Carstairs	225
Hon. Marjory LeBreton	225
Veterans Affairs	
Access to Mental Health Care.	
Hon. Michael A. Meighen	225
Hon. Marjory LeBreton	225
Public Works and Government Services	
Competition for Location of National Portrait Gallery.	
Hon. Jim Munson	226
Hon. Michael Fortier	226
Decentralization of Existing Museums in Ottawa.	
Hon. Francis Fox	226
Hon. Michael Fortier	226
Support for New Planetarium in Montreal.	
Hon. Francis Fox	227
Hon. Michael Fortier	227
Public Safety	
Border Services Agency—Crossing Delays.	
Hon. Francis William Mahovlich	227
Hon. Marjory LeBreton	227
The Right Honourable Brian Mulroney	
Alleged Cash Payments—Public Inquiry—Terms of Reference.	
Hon. Yoine Goldstein	227
Hon. Marjory LeBreton	228
Alleged Cash Payments—Scope of Public Inquiry.	
Hon. Yoine Goldstein	228
Hon. Marjory LeBreton	228
2009 World Police and Fire Games	
Government Support.	
Hon. Gerry St. Germain	228
Hon. Marjory LeBreton	228
The Right Honourable Brian Mulroney	
Alleged Cash Payments—Public Inquiry— Mandate of Third Party Adviser.	
Hon. Joan Fraser	228
Hon. Marjory LeBreton	228

ORDERS OF THE DAY

Bankruptcy and Insolvency Act	
Companies' Creditors Arrangement Act	
Wage Earner Protection Program Act (Bill C-12)	
Bill to Amend—Second Reading.	
Hon. Michael A. Meighen	229
Hon. Yoine Goldstein	231
Referred to Committee	232
<i>Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement</i>	
Motion to Refer to Social Affairs, Science and Technology Committee Adopted.	
Hon. Gerald J. Comeau	232
Canada Pension Plan	
Seniors' Benefits—Inquiry—Debate Continued.	
Hon. Elizabeth Hubley	232
Charter of Rights and Freedoms	
Recognition of Twenty-fifth Anniversary—Inquiry— Debate Adjourned.	
Hon. Sharon Carstairs	233
The Senate	
Motion to Authorize Internal Economy, Budgets and Administration Committee to Study Policies in Order to Reduce Greenhouse Gas Emissions—Debate Adjourned.	
Hon. Nick G. Sibbeston	235
Energy, the Environment and Natural Resources	
Committee Authorized to Engage Services.	
Hon. Tommy Banks	236
Committee Authorized to Permit Electronic Coverage.	
Hon. Tommy Banks	236
Committee Authorized to Study Issues Related to Mandate and Refer Papers and Evidence from Previous Session.	
Hon. Tommy Banks	236
Hon. Gerald J. Comeau	237
Rules, Procedures and the Rights of Parliament	
Committee Authorized to Engage Services.	
Hon. Wilbert J. Keon	237
Committee Authorized to Permit Electronic Coverage.	
Hon. Wilbert J. Keon	237
Motion to Authorize Committee to Request Transcripts of In Camera Meetings Withdrawn.	
Hon. Wilbert J. Keon	237
Adjournment	
Hon. Gerald J. Comeau	238
Progress of Legislation	238



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



A1
1
D32



CANADA



Debates of the Senate

2nd SESSION • 39th PARLIAMENT • VOLUME 144 • NUMBER 13

OFFICIAL REPORT
(HANSARD)

Tuesday, November 20, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, November 20, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

AFGHANISTAN—FALLEN SOLDIERS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would invite senators to rise and observe a minute of silence in memory of Corporal Nicolas Raymond Beauchamp and Private Michel Jr. Levesque, who were killed last weekend while serving their country in Afghanistan.

Honourable senators then stood in silent tribute.

• (1405)

[English]

SENATORS' STATEMENTS

HER MAJESTY QUEEN ELIZABETH II H.R.H. PRINCE PHILIP, DUKE OF EDINBURGH

SIXTIETH WEDDING ANNIVERSARY

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is an honour and a pleasure to rise today to recognize a memorable day — the diamond wedding anniversary of Her Majesty the Queen and His Royal Highness, Prince Philip, Duke of Edinburgh.

On November 20, 1947, the then Princess Elizabeth and Prince Philip of Greece and Denmark were joined together in marriage. The radio broadcast of the ceremony was played across the country, and I well remember my family listening with much pride.

During their first visit to Canada as a married couple in the fall of 1951, they developed a very close relationship with this country. We all remember that famous news photo of the Princess square dancing at Rideau Hall. Speaking of that visit, Her Majesty said:

From the moment when I first set foot on Canadian soil, the feeling of strangeness went, for I knew myself to be not only amongst friends, but amongst fellow countrymen.

The past 60 years have proven this sentiment to be true. Some honourable senators will recall that within three months of leaving Canada, Princess Elizabeth became Queen of Canada on February 6, 1952. Who can forget that beautiful June day in

1953 when her coronation was broadcast by radio and the ceremony became the first to be covered by television?

That was the first time in my life that I had ever watched television, which was set up in our local school. I must say, we put pressure on my father to get us a television set after that.

Five years later, on her first official visit to Canada as our Queen, Her Majesty became the first reigning Canadian monarch to open Parliament — the First Session of the Twenty-third Parliament — an event that transpired in this very chamber.

The Right Honourable John George Diefenbaker was the new Prime Minister, and he spoke often of that memorable day in his life and the life of our country. I remember him very well telling me many times about that wonderful day.

This week, Prime Minister Harper, along with other Commonwealth prime ministers, will be meeting with Her Majesty as part of the Commonwealth Heads of Government meeting in Kampala, Uganda. As the head of the Commonwealth, Her Majesty has proven to be a strong leader, offering guidance and advice to many countries, not only those over which she reigns.

Above all, Her Majesty has promoted the values of democracy, racial equality and tolerance. Nowhere was this more evident than in relation to South Africa and the fight to end apartheid.

Both the Queen and Prince Philip have maintained their close association with issues that are near and dear to Canadians. In particular, the involvement of his Royal Highness with the youth of our country through the Duke of Edinburgh's Awards program and his commitment to issues related to the environment have been hallmarks of his contribution as consort. We should also recognize the royal couple's special and continuing friendship with the Canadian Forces.

I hope that all honourable senators will join with me in congratulating the Queen and Prince Philip on this auspicious occasion. Long may they live.

[Translation]

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, today, November 20, we celebrate Universal Children's Day. The United Nations declared this day in 1954 to commemorate the adoption of the Declaration of the Rights of the Child and the Convention on the Rights of the Child. It is recommended that all nations observe this day as one of worldwide fraternity and understanding between children. Therefore, this is a perfect opportunity to promote children's right to life and safety.

In my most recent speech in this chamber, I emphasized that we have to be proactive in fighting violence against children. I would therefore like to introduce a major proactive initiative to ban the use of corporal punishment on children.

In 2004, following a Supreme Court decision on spanking, the Children's Hospital of Eastern Ontario decided to put together a coalition of national organizations concerned about child welfare. The coalition's purpose is to ban corporal punishment.

Honourable senators, over 271 organizations from across Canada have now signed the Joint Statement on Physical Punishment of Children and Youth. These include health professionals, mental health experts, social workers, religious groups, organizations that defend children's rights, lawyers, first responders and researchers who care about children's rights. They believe that the government should ban outright the use of corporal punishment as a way to discipline children.

To illustrate the credibility of the coalition, here is a list of some of its member organizations: The BC Institute Against Family Violence, the Newfoundland and Labrador Foster Families Association, the Children's Aid Society of Halifax, Toronto Public Health, the Commission des droits de la personne et des droits de la jeunesse du Québec, Montreal's Hôpital Sainte-Justine, Catholic Family Services of Saskatoon, Jewish Family Services in Edmonton, the Yukon Family Services Association, Justice for Children and Youth, the Canadian Foundation for Children, Youth and the Law, the Canadian Psychological Association, the Canadian Association of Social Workers and the College of Family Physicians of Canada. I could go on reading the whole list of 271 member organizations. I want to thank them all.

Honourable senators, all of these organizations believe that respect for the fundamental rights of children means banning corporal punishment. They are qualified and experienced. They work with children and their families. They witness first-hand the consequences of using violence to discipline children.

Honourable senators, on this Universal Children's Day, I urge you to offer your full support to these organizations working to protect children's rights.

• (1410)

[English]

NATIONAL CHILD DAY CELEBRATIONS IN THE SENATE

Hon. Ethel Cochrane: Honourable senators, today marks the adoption of the United Nations Convention of the Rights of the Child, which Canada ratified in 1991. The theme for National Child Day 2007 is "The Right to be Active."

Honourable senators, this chamber was very active yesterday as children from across Ottawa came here with their warmth, passion and energy. These schoolchildren positively charmed us with their powerful words, beautiful music and outstanding athletic achievements. Through their impressive performances, they reminded us of the importance and power that rests in simply taking action.

[Senator Hervieux-Payette]

The theme of the Senate event was "Include us; include us all." Indeed, it was clear to everyone how those children, many with various physical and developmental challenges, overcame many obstacles and barriers.

For example, we witnessed Lucas Haneman, a visually impaired guitarist, perform an original song that he had composed just hours before arriving at the event. One thing that he said that I thought was especially poignant was, "Just because we have quote/unquote 'disabilities,' we find our own ways to get things done."

Josh Bortolotti, an amazing fundraiser for autism research, spoke beautifully about his little sister Sophia and her experience with Autism Spectrum Disorder. Josh is only days away from turning 14 years old and has already raised more than \$14,000 for autism research.

Christina Campbell, a Special Olympian who won a gold and four silver medals at the Special Olympics in Shanghai, dazzled us with her rhythmic gymnastics routine. She explained that people with disabilities need to feel included and supported, and that these were keys to her personal success. She added, "When I'm included, I try my best." I have no doubt, honourable senators, that she will do her best again for Canada at the 2011 games in Athens.

Honourable senators, I was profoundly moved by the passion and the eloquence of these children. I commend the Speaker of the Senate as well as Senators Keon, Mercer and Munson and their staff for organizing a truly powerful event. I was deeply touched by the words and performances of these incredible youth. It was both an inspiration and a motivation. I applaud all those children, and I thank them for reminding me and all of us of the power of both action and inclusion.

• (1415)

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Hon. Marilyn Trenholme Counsell: Honourable senators, I too wish to speak about children. Today, as we know, is a day of celebration in recognition of the UN Convention on the Rights of the Child; a day made even more special in this country because we too have made our own declaration: A Canada fit for children.

The children of Canada are our future. All that we do for them during our lifetime will be reflected in their lives. All that we fail to do will also be reflected in the span of Canada's years. The majority of Canada's children are healthy. They are succeeding at school and many are bringing glory to our nation through scholarship, the arts and sports. Our youngest citizens ask the most important questions. They may also offer the most insightful answers. In human rights, global issues, the environment and sheer goodness, they have much to teach my generation. However, too many of our children are being left behind and are not reaching their full potential.

Therefore, honourable senators, on this day dedicated to Canada's children, I am bound to reflect on why this is true: first, poverty in a million Canadian homes; second, a failure to make children a national priority; and third, all too often an unwillingness to acknowledge the latest research and non-fulfillment of our duty to act, especially by governments.

We cannot accept that as many as one third of our children are vulnerable. They are the orphan's orphan when it comes to mental health and addiction. Maternal depression is said to be the single greatest contributor to childhood vulnerability, regardless of socio-economic status.

One path of action stands above all others if we are to do our utmost as individual citizens and as a nation to respect the rights of each child to reach her or his potential. That path is early childhood intervention. It must begin with our youth, even before they enter into parenthood, followed by maternal and prenatal health taken far more seriously than ever before in Canada.

Every child must be assessed as soon as possible after birth and then at two to three years for signs of health and developmental disorders. Physical and mental challenges must be identified at the earliest possible stage, with appropriate interventions and sustained follow-up. Parents must be involved continuously. There must be an enlightened will at the national, provincial, territorial and community level to make early childhood development a priority in our homes and wherever child care is provided in our communities.

From the Governor of the Bank of Canada to this nation's foremost researchers and educators, from neuroscientists to social scientists we are hearing the same message: Children are our greatest investment. Every dollar spent now will save \$6 to \$8 in the future, yet this message falls on deaf ears all too often.

Parents of children with learning disorders, autism, FASD, ADHD and the new one, CAPD, chronic auditory processing disorder, anxiety disorders, depression, and even bipolar and schizophrenic symptoms, are crying for help yet Canada all too often offers tokenism instead of commitment and generosity.

Aboriginal parents desperately need education and prenatal care. Their children need a head start in every sense that such programs can be developed. Canada can and should become a leader in public education.

PUBLIC SERVICE COMMISSION 2006-07 ANNUAL REPORT

RECRUITMENT RATE OF VISIBLE MINORITIES

Hon. Donald H. Oliver: Honourable senators, the Public Service Commission produced its 2006-07 annual report a couple of weeks ago. Shockingly, it reveals that the Public Service of Canada does not reflect the mosaic and rich diversity of this country. Indeed, we have just learned that there remains a gap for visible minorities between their workforce availability and their representation in the public service.

Recruitment for visible minorities has shown a marked drop from 9.8 per cent in 2005-06 to 8.7 per cent in 2006-07. If the recruitment rate for visible minorities does not increase, the gap in representation will only become aggravated.

On November 14, the President of the Public Commission, Madam Barrados, appeared as a witness before the Standing Senate Committee on National Finance. When answering questions posed by senators on the current standing of visible minorities in the Public Service Commission she said:

The good news occurs when there is a centrally run program like the PSC's effort last year to get a pool of pre-qualified visible minorities into the EX group. . . . The only way that I can characterize what is going on is to say that when effort and attention is put to it, we do well.

That said, when there is no effort the opposite is true and there are insufficient visible minorities hired into the public service. Furthermore my colleague, Senator Nancy Ruth, asked Madam Barrados why so many government departments and organizations do not have staffing strategies to address employment equity groups.

• (1420)

Madam Barrados responded that:

The new act . . . allows departments to put in one of the asset qualifications as part of merit that they are looking for someone who is from one of the employment equity groups. That provision is being used rarely and that is a concern of mine.

In response to suggestions that visible minorities are not being hired because not enough attention is being applied to their employment needs, Madam Barrados said to the committee:

By and large —

She is referring here to a provision of the Public Service Employment Act.

— this provision is not being used, and that is a concern.

She goes on to say that almost no one is using the provision. Is it that managers in Canada's public service just do not want to hire visible minorities?

As Senator Di Nino so aptly put it:

This is a truly shameful situation. . . . This has been going on for far too long and to hear, in effect, that we are going backwards is not acceptable.

My great concern is that, for visible minorities, there was an actual decrease in the total number of visible minority appointments in the public service when applications were on the increase. What is more puzzling is that, while a record number of visible minorities were hired into senior management positions, the overall numbers still decreased. That, indeed, is shameful.

Who will Canada's public service hire in a decade from now? According to Statistics Canada, in 2010 — just three years from now — 50 per cent of Canada's population growth will depend on immigrants, some 75 per cent of whom will be visible minorities.

Honourable senators, enough is enough. When will Parliament develop concrete policies — make-it-happen policies — that will positively affect hiring strategies in Canada's public service?

CYCLING IN RUSSIA

Hon. Peter A. Stollery: Honourable senators, some years ago the Standing Senate Committee on Foreign Affairs and

International Trade conducted a study of Russia, which I chaired. We were the first parliamentary group that I know of to take a serious look at that country. At that time, I had the distinct impression that many witnesses were talking through their hats. I do not intend that comment to be a criticism of our staff. I was involved in trying to get witnesses, and we got some terrific ones, but too many did not seem to me to know enough about Russia, outside of a bit of Kremlinology. Hence, I decided to take a look at Russia on my own and got out my bicycle.

Since then, I have cycled a couple of thousand kilometres, from Western Europe to east of Moscow. One very difficult day, four years ago, I was approaching a town named Torshok, between Vishny Volochek and Tver on the main road to Moscow from St. Petersburg. For more than 70 kilometres, it poured cold rain. There are forests; they were drenched. The occasional group of mushroom pickers huddled under plastic sheets. There was no shelter for me and no hotels. There were no buildings other than one restaurant gas station complex where I walked in like a drowned rat. No rooms.

At Torshok, there is a V. One road goes around the town and the other goes into it. What to do?

As I was about to take the road around, hoping for a motel at the other exit, through the pouring rain I spied in the distance a figure on a bicycle coming my way from the town. It was another long-distance cyclist loaded with bags. I thought he might know of a place to stay, and companionship in adversity is a great thing. He slowed down. "English?" I shouted. "Français?" "Deutsch?" "Castillano?" "Castillano," he shouted back. "Sixty-two days from Zaragoza."

Long-distance cycling is a solitary business. We are idiosyncratic people. The two of us stood in cold, unrelenting rain and talked like mad to each other. His name was Jesus San Agustin Vicente. He was heading for Latvia, to study Russian before he went any further. He saved my bacon. There was a terrific small hotel in Torshok, and I would have missed it. It was already four o'clock in the afternoon, and I tried to talk him out of what was going to be a bad run west. Off he went.

Last week, four seasons later, I got an email in Spanish. "Arrived in Tokyo."

Don Jesus San Agustin Vicente, I salute you.

[Translation]

ROUTINE PROCEEDINGS

THE HONOURABLE MARJORY LEBRETON

LETTER TO CHARLOTTETOWN *GUARDIAN* REGARDING CANADA PENSION PLAN TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a letter written by Minister LeBreton, sent to the editor-in-chief of *The Guardian*, entitled "Government is Investing in Seniors."

[Senator Stollery]

CHIEF ELECTORAL OFFICER

2006-07 ANNUAL REPORT PURSUANT TO PRIVACY ACT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 72 of the Privacy Act, I have the honour to table, in both official languages, the annual report of the Chief Electoral Officer of Canada.

• (1425)

[English]

THE HONOURABLE MARJORY LEBRETON

LETTER TO CHARLOTTETOWN *GUARDIAN* REGARDING CANADA PENSION PLAN TABLED

Hon. Catherine S. Callbeck: Honourable senators, I request leave to table a document that was mentioned during Question Period last Thursday. It is my reply to Senator LeBreton's original letter to the editor which was published in the November 8 edition of the *Guardian*.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

[Translation]

OFFICIAL LANGUAGES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Official Languages, which outlines the expenses incurred by the Committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 139.)

[English]

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Bill Rompkey: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report on the Standing Senate Committee on Fisheries and Oceans, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 140.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Art Eggleton: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Social Affairs,

Science and Technology, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 141.)

HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 143.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, November 20, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SECOND REPORT

Pursuant to Rule 86(1)(f)(i), your Committee is pleased to report as follows:

1. The issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years. The Senate does not currently have any provision in its Rules dealing with the reinstatement of bills following a prorogation. As a result, some bills, particularly non-government bills, have been reintroduced and debated or studied in a number of successive sessions.
2. Since 1998 the House of Commons has provided for the reinstatement of non-government bills from the previous session in the same Parliament. Provision was originally made that an item of Private Members' Business would be reinstated at the request of the Member in question, although it is now automatic. Non-government public bills originating in the Senate can also be reinstated in the Commons at the same stage they had reached during the prior session if such bills are re-introduced in the House of Commons within the first 60 sitting days of the session, after being passed again by the Senate, and the Speaker of the House of Commons is satisfied that the bills are in the same form as they were at the time of prorogation. In the case of government bills from the Commons, reinstatement is not automatic, but may be effected by passing a motion to that effect. From time to time, the government has proposed a general motion in a second or subsequent session of Parliament allowing it to reinstate bills if certain conditions are met.

3. A review of reinstatement in provincial and territorial legislatures indicates that there is a range of practice on this matter. In nine of the 13 legislatures, there does not appear to be a practice of reinstating bills. In Alberta, the Standing Orders provide that a government bill can be reinstated on motion in a new session of the same Legislature. In Manitoba, on the other hand, reinstatement is by way of *ad hoc* motions in a new session. In Ontario, provision for carry-over of bills has sometimes been made at the end of one session and sometimes at the beginning of a new session in the same Legislature. Finally, in Quebec, reinstatement of bills in a new session of the same Legislature is made by a motion of the Government House Leader in the first three sitting days after debate on the opening speech.

4. Both the House of Lords and the House of Commons in the United Kingdom provide for the reinstatement or carry-over of bills between sessions of the same Parliament. In the House of Lords, this is restricted to bills that have not yet left the House, and is based on *ad hoc* motions after informal consultations. In the House of Commons, measures were established in 2002 to allow for the reinstatement of bills. One reason for this change was to avoid duplication of work. It is also felt that it results in legislation being reviewed in a less rushed environment with a longer time perspective, allowing for more thorough scrutiny.

5. It must be noted that in no case does reinstatement apply between Parliaments.

6. The Senate and individual senators have no control over when prorogation occurs. Unlike other legislative bodies, the Canadian Parliament does not have annual sessions. Given the length of time that bills often take to work their way through the legislative process, and the time and energy that can be invested in the consideration of bills, the concept of reinstatement has merit.

7. At the same time, your Committee believes strongly that no reinstatement provision should be automatic. Each proposal to reinstate a bill must be considered separately, on its own merits. Your Committee is also of the view that it is appropriate for the Speaker to review a bill whose reinstatement is proposed, in order to ensure that it is indeed in the same form as a bill from the previous session. Your Committee further believes that it should be available for all bills: government bills, senators' public bills and private bills originating in the Senate, as well as for government and private members' bills from the House of Commons. In no case, however, should third reading of any bill in the Senate be dispensed with in the new session.

Your Committee recommends that the *Rules of the Senate* be amended as follows:

(1) That the following new rule 80.1 be added after current rule 80:

Reinstatement of a bill from the previous session

80.1. (1) A public or private bill may be reinstated from the previous session only pursuant to this rule.

Senate bill

(2) During the first twenty-one sitting days of the second or subsequent session of a Parliament, a Senator may, upon presenting a bill which is then read a first time, immediately advise the Senate that it is in the same form as a Senate bill when introduced during the preceding session.

Commons bill

(3) During the first thirty sitting days of the second or subsequent session of a Parliament, a Senator may, immediately following receipt by the Senate of a message from the House of Commons with a bill which is then read a first time, advise the Senate that it is in the same form as a Commons bill when received by the Senate during the preceding session.

Notice of motion to reinstate a bill

(4) After advising the Senate either under subsection (2) or (3), the Senator shall then immediately give notice of a motion that the bill be reinstated.

Definition of "same form"

(5) For the purposes of this rule, a bill shall be considered to be in the same form only if the text of the following elements are identical to those in the version as introduced during the preceding session: title, preamble, clauses, schedules, headings, marginal notes, summary, and Royal Recommendation.

Tabling text of committee amendments

(6) If, under paragraph (13)(c), the reinstatement of a bill would require consideration of amendments recommended by a committee during the previous session, the Senator shall, when giving notice of a motion to reinstate, lay upon the Table the text of the amendments proposed in that report.

Tabling list of amendments

(7) If, under paragraph (13)(e), the reinstatement of a bill would result in amendments from the preceding session being deemed made to the bill, the Senator shall, when giving notice of a motion to reinstate, lay upon the Table a list of the amendments that will be incorporated into the bill if the motion is adopted.

Reinstatement of a government bill

(8) A bill that was a government bill during the preceding session shall only be reinstated if it is again introduced as a government bill.

Reinstatement of a Senate public or private bill

(9) Only the Senator who presented a Senate public or private bill during the preceding session may act under subsection (2). If, however, the Senator who introduced the

original bill is Speaker, is a Minister of the Crown, is Deputy Leader of the Government in the Senate, is retired, is deceased, or has resigned, any Senator may act under subsection (2).

Reinstatement of a private bill

(10) For greater certainty, a private bill may be reinstated only if, pursuant to rule 109, the presentation and first reading are preceded by a favourable report on the petition.

Speaker to advise Senate that bill is in same form

(11) A motion to reinstate a bill shall not be moved until the Speaker has advised the Senate that the bill is in the form described in subsection (2) or (3), as the case may be. If documents relating to the bill must be tabled under either subsection (6) or (7), the Speaker shall also advise the Senate whether the documents tabled are accurate. If the Speaker advises the Senate that any of these requirements have not been met, the notice of motion to reinstate the bill shall be withdrawn and the Speaker shall forthwith ask when the bill shall be read a second time.

Delayed application of rule 27(3)

(12) Rule 27(3) shall not apply to a notice of motion to reinstate a bill until after the Speaker has advised the Senate pursuant to subsection (11).

Procedures for consideration and effect of motion

(13) A motion to reinstate a bill shall be deemed a substantive motion, but shall not be amendable, except as provided in paragraph (b). The motion may be debated for no more than two hours. The Speaker shall put all questions necessary to dispose of the motion no later than the fourth sitting day the order for resuming debate is called. If the motion is negatived, the Speaker shall forthwith ask when the bill shall be read a second time. If the motion is adopted, the bill shall be dealt with as follows:

Second reading

(a) If the original bill was under consideration at second reading in the preceding session, the reinstated bill shall be placed on the Orders of the Day for second reading at the next sitting.

Committee study

(b) If the original bill was before a standing committee in the preceding session, the reinstated bill shall be referred to the same committee. If the original bill was before a special committee, the motion to reinstate the bill shall specify a committee to which it shall be referred and, in this case only, the motion may be amended to specify a different committee. In either case, the papers and evidence received and taken and the work accomplished on the original bill in committee are deemed referred to the committee during the current session.

Report stage

(c) If a committee report recommending one or more amendments to the original bill was before the Senate in the preceding session, the amendments recommended by the committee shall be deemed to have been presented to the Senate and shall be placed on the Orders of the Day under Reports of Committees for consideration at the next sitting.

Third reading

(d) If the original bill was under consideration at third reading in the preceding session, or if the original bill was adopted at third reading and passed by the Senate without amendment, the reinstated bill shall be placed on the Orders of the Day for third reading at the next sitting.

Amendments from preceding session deemed made to bill

(e) If, in the preceding session,

(i) a report recommending one or more amendments to the original bill was adopted, or

(ii) the original bill was adopted at third reading and passed by the Senate with one or more amendments,

the amendments shall be deemed to have been approved by the Senate upon the adoption of the motion for reinstatement, and the reinstated bill, as amended, shall be placed on the Orders of the Day for third reading at the next sitting. In no other case shall an amendment from the preceding session be deemed made to the bill upon adoption of the motion to reinstate. Notwithstanding any other rule or practice, an amendment to the bill that is deemed to have been approved by the Senate under this paragraph may be amended or deleted during the course of subsequent proceedings on the reinstated bill during the current session.

Bills negated during the preceding session

(14) A bill that was negated by the Senate at any stage in the preceding session shall not be reinstated.

(2) That the following consequential changes be made to rule 58:

- (a) Delete "and" at end of paragraph 58(1)(i);
- (b) Change current paragraph 58(1)(j) to 58(1)(k); and
- (c) Insert new paragraph: "(j) for the reinstatement of a public or private bill under rule 80.1; and".

Respectfully submitted,

WILBERT J. KEON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, November 20, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

THIRD REPORT

Pursuant to Rule 86(1)(f)(i), your Committee is pleased to report as follows:

1. In a ruling given on October 26, 2006, dealing with the process for raising questions of privilege, the Speaker noted three aspects of the Senate's procedures which could be clarified. First, he considered the level of detail required in the written and oral notices to raise a question of privilege under Rule 43 and concluded that the notice should clearly identify the issues that will be raised as a question of privilege. Second, the Speaker invited your Committee to examine the apparent inconsistency of Rules 43 and 59(10) insofar as the two provisions deal with the notice required for questions of privilege. Third, the Speaker invited your Committee to examine ways in which the rules might more clearly delineate the beginning and end of the Routine of Business, as under Rule 23(1), questions of privilege and points of order cannot be raised during the Routine of Business or during Question Period.
2. On March 20, 2007, your Committee heard from Mr. Charles Robert, Principal Clerk, Chamber and Procedure Office, Senate of Canada.
3. After reviewing the Speaker's ruling, and examining the issue, your Committee believes that the following amendments should be made to the *Rules of the Senate*:
 - With respect to the written notice to be given by a senator wishing to raise a question of privilege, your Committee agrees that the notice should provide some detail so as to give senators an indication of the subject of the general nature of the issue to be raised. Accordingly, amendments are proposed to sections 3, 4, and 7 of Rule 43.
 - Rule 59(10) allows a question of privilege to be raised without notice. As the Speaker explained, this Rule is linked to the pre-1991 provisions of the *Rules of the Senate* and should have been reviewed as a consequence of the amendments that were adopted at that time. The idea behind Rule 59(10) should be maintained to allow matters that occur during a sitting of the Senate to be dealt with. Nevertheless, your Committee believes that it would be helpful to move this provision and link it more directly to the other provisions relating to questions of privilege and to clarify how they relate to one another. Accordingly, a new section to Rule 43 is proposed.

- The Speaker noted in his ruling of October 2006 that Rule 23(1) prohibits points of order or questions of privilege during either the Routine of Business or Question Period. A careful reading of Rule 23(6), however, indicates that Senators' Statements are, in fact, not part of Routine of Business, as it provides that the Routine of Business is a distinct category of business called after Senators' Statements. The intent behind this Rule is that the regular business of the Senate at the beginning of each sitting, whose time is limited, should not be interrupted. Your Committee agrees that the prohibition on points of order should apply to Senators' Statements as well, and an appropriate amendment to the Rules is proposed.

4. These proposed amendments lead to a number of consequential changes to the *Rules of the Senate*.

Your Committee recommends that the *Rules of the Senate* be amended as follows:

- (1) That section (1) of Rule 23 be replaced with the following:

Consideration of questions of privilege and points of order

23. (1) During proceedings of the Senate taking place before Orders of the Day, including Senators' Statements, Routine of Business, Question Period and Delayed Answers, it shall not be in order to raise a point of order. Any point of order in respect to any proceeding shall be raised either at the time the Speaker announces Orders of the Day or, in relation to any notice given during the Routine of Business, when the Order is called for consideration by the Senate.

- (2) That sections (3), (4), (7), and (10) of Rule 43 be replaced with the following:

Written notice

(3) Subject to section (3.1) below, a Senator wishing to raise a question of privilege shall, at least three hours before the Senate meets for the transaction of business, give a written notice of such question to the Clerk of the Senate, provided that the written notice shall clearly identify the subject matter that will be raised as a question of privilege.

Exception — Proceedings in Chamber

(3.1) With respect to a question of privilege arising out of proceedings in the Chamber during the course of a sitting, a Senator has the option of either raising it immediately without written notice or giving written notice in accordance with sections (3) and (4).

Notice for Friday

(4) Notwithstanding section (3) above, a Senator wishing to raise a question of privilege on a Friday shall, at not later than 6:00 o'clock p.m. on the immediately preceding Thursday, give a written notice of such question to the

Clerk of the Senate clearly identifying the subject matter that will be raised as a question of privilege.

Oral notice

(7) A Senator having given a notice, in accordance with section (3) or (4) above, shall be recognized during the time provided for the consideration of "Senators' Statements", for the purpose of giving oral notice of the question of privilege. In doing so, the Senator shall clearly identify the subject matter that will be raised as a question of privilege and shall indicate that he or she is prepared to move a motion either calling upon the Senate to take action in relation to the matter complained of or referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Order of consideration

(10) The order in which the notices were received under sections (3), (3.1) or (4), as the case may be, shall determine the order of consideration of questions of privilege.

- (3) That section 10 of Rule 59 be deleted and that current sections 11 to 18 be renumbered as 10 to 17.

Respectfully submitted,

WILBERT J. KEON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Keon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1430)

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Bill Rompkey: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and the work accomplished by the Committee on the subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Friday, June 27, 2008.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Bill Rompkey: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Bill Rompkey: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

ABORIGINAL PEOPLES

NOTICE OF MOTION REQUESTING GOVERNMENT
RESPONSE TO STUDY ON RECENT REPORTS
AND ACTION PLAN CONCERNING DRINKING WATER
IN FIRST NATIONS' COMMUNITIES

Hon. Gerry St. Germain: Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government to the Eighth Report of the Standing Senate Committee on

Aboriginal Peoples, entitled *Safe Drinking Water for First Nations*, tabled in the Senate on May 31, 2007 and adopted by the Senate on June 12, 2007 during the First Session of the Thirty-ninth Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians being identified as the Minister responsible for responding.

NOTICE OF MOTION REQUESTING GOVERNMENT
RESPONSE TO STUDY ON INVOLVEMENT
OF ABORIGINAL COMMUNITIES AND BUSINESSES
IN ECONOMIC DEVELOPMENT ACTIVITIES

Hon. Gerry St. Germain: Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report from the First Session of the Thirty-ninth Parliament of the Standing Senate Committee on Aboriginal Peoples, entitled *Sharing Canada's Prosperity — A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007 and adopted by the Senate on March 27, 2007, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, the Minister of Human Resources and Social Development Canada, and the Minister of Natural Resources Canada being identified as Ministers responsible for responding.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerry St. Germain: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY FEDERAL GOVERNMENT
RESPONSIBILITIES TO FIRST NATIONS, INUIT
AND MÉTIS PEOPLES

Hon. Gerry St. Germain: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and on other matters generally relating to the Aboriginal Peoples of Canada.

That the Committee submit its final report to the Senate no later than December 31, 2008.

• (1435)

[English]

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Gerry St. Germain: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ISSUES RELATED TO NATIONAL AND
INTERNATIONAL HUMAN RIGHTS OBLIGATIONS
AND REFER PAPERS AND EVIDENCE
FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INTERNATIONAL OBLIGATIONS
REGARDING CHILDREN'S RIGHTS AND FREEDOMS
AND REFER PAPERS AND EVIDENCE
FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to monitor the implementation of recommendations contained in the Committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, tabled in the Senate on April 25, 2007;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY CASES OF ALLEGED DISCRIMINATION
IN HIRING AND PROMOTION PRACTICES AND
EMPLOYMENT EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP
AND REFER PAPERS AND EVIDENCE
FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the Committee for the purpose of updating the members of

the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 31, 2008.

• (1440)

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Maria Chaput: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Official Languages be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY OFFICIAL LANGUAGES ACT AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Maria Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later this day I shall move:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of

Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages;

That papers and evidence received and taken during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report from time to time to the Senate but no later than December 31, 2008, and that the Committee retain all powers necessary to publicize its findings until March 31, 2009.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO STUDY APPLICATION OF THE *CHARTER OF RIGHTS AND FREEDOMS* AS IT APPLIES TO THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Senate refer to the Senate Standing Committee on Rules, Procedures, and the Rights of Parliament, the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.

[Translation]

QUESTION PERIOD

JUSTICE

AMENDMENTS TO COMPLY WITH UNITED NATIONS INTERNATIONAL CONVENTION OF THE RIGHTS OF THE CHILD

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, the Conservative government tends to not always meet its international commitments in Canada. It is not complying with the Kyoto Protocol; it is violating the Geneva Convention by turning detained minors over to the Afghan authorities; it is violating the Universal Declaration of Human Rights by refusing to grant clemency to all Canadian citizens sentenced to death in another country; and today, on this Universal Children's Day, instead of celebrating, we unfortunately have to point out another failure by the government to meet its international obligations, and quite humbly, I must say that the previous government also failed to honour this international commitment.

Since 1995, the United Nations has twice stated clearly that Canada was not complying with the Convention on the Rights of the Child. Knowing that Canada is violating children's rights to

life and security by maintaining section 43 of the Criminal Code, can the Leader of the Government in the Senate tell us when her government plans to amend the legislation and comply with the convention?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. If Senator Hervieux-Payette is specifically asking about her bill, we will let the bill make its way through Parliament before commenting on it.

• (1445)

With regard to our commitment to the well-being of Canada's children, the government has taken many measures to improve the livelihood of our children. The well-being of children in this country, as in other countries, begins with their families. Families must have adequate incomes and good housing. On both of those fronts, our government has taken steps to improve the livelihood of all Canadians and, therefore, that of children.

This government has taken a number of initiatives to help children and their families. For example, in 2006 we introduced the Universal Child Care Benefit and a Children's Fitness Tax Credit. We also increased the maximum annual amount paid under the Child Disability Benefit. Budget 2007 committed \$6 million to combat sexual exploitation and trafficking of children, \$2 million to the Canadian MedicAlert Foundation for its program to provide free MedicAlert bracelets to children, and \$300 million for a vaccine program to help protect women and young girls against cervical cancer. Our new Registered Disabilities Savings Plan will help families plan for long-term financial security of severely disabled children, which is often of concern.

We are proud of our record with regard to children. I believe any objective observer would know that this government is very committed, as we all should be, to the well-being of our children.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

ORGANIZATION ON RIGHTS OF CHILDREN

Hon. Céline Hervieux-Payette (Leader of the Opposition): As the English saying goes, it is really motherhood and apple pie. I was talking about Canada's international obligations with respect to the rights of children.

Today, a new report from UNICEF denounces this government in terms of not responding to child poverty and violence towards children. Can the Leader of the Government in the Senate tell me today whether this government is willing to put in place an organization that will be in charge of monitoring respect of the rights of children according to the Charter of Rights, a proposal found in the final report — which was tabled on April 25, 2007 — of the Human Rights Committee Study on International Obligations Regarding Children's Rights and Freedoms dealing with children?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am well aware of the UNICEF report. Some of the concerns UNICEF has raised with regard to children in this country relate to situations that did not occur only

in the last couple of years. Their concerns underscore long-standing problems in this country, which is not a situation that anyone should be pleased about.

The government will carefully study the findings and recommendations found in the UNICEF report; the government will give much consideration to UNICEF's views and concerns. As I said, some of the issues raised in the report have been around for a long time — which is not to say the issues are more or less serious. They are serious issues that all parliamentarians of all political stripes should take seriously.

NATIONAL CHILDREN'S COMMISSIONER

Hon. Jim Munson: I have a supplementary question for the Leader of the Government in the Senate. In that same report, Nigel Fisher, the UNICEF Canada president, says:

There is no national focus on the child in Canada. . . . We have so many jurisdictions between provincial and federal that there is, in fact, no focal point for monitoring what is happening to kids in this country.

Working with the great Conservative senator from Saskatchewan, Senator Andreychuk, and with other senators, on the report entitled "Children: The Silenced Citizens" we recommended earlier this year the same thing that has been recommended in the UNICEF report, that there would be a national children's commissioner.

Is the government ready to implement that key recommendation by our Senate committee, headed by Senator Raynell Andreychuk?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The government did receive, and I believe has responded to, the study by the Standing Senate Committee on Human Rights, headed up by Senator Andreychuk.

• (1450)

The government is well aware of the committee's recommendation for a children's commissioner. I believe the government responded to the report but the government has not addressed that particular issue.

Senator Munson: On a very brief supplementary, I would like to ask if, in the honourable senator's personal readings of this report, she is in favour of a national child commissioner?

Senator LeBreton: I think the honourable senator can understand that such a question is not proper. Given that I am a member of the government and of the cabinet, the honourable senator would not expect me to answer that question.

I have followed these issues for quite some time. In fact, I have followed them since our former colleague, Senator Landon Pearson, was the co-chair of our initiatives in the United Nations. This government has done many things that include housing and post-secondary education, removing some people off the tax rolls and providing more income for families. We are doing many things to improve the livelihood of families and their children.

NATIONAL DEFENCE

AFGHANISTAN—
TREATMENT OF JUVENILE DETAINEES

Hon. Roméo Antonius Dallaire: My question is for the Minister of Defence, but I will pose it to the Leader of the Government in the Senate. It relates to the response by the minister in the other place. In this morning's *Globe and Mail*, Defence Minister MacKay is quoted as saying, "With respect to detainees taken by Canadian Forces, we take a similar practice. They are not housed in proximity of other detainees." The minister is referring to juvenile prisoners in Afghanistan.

I wonder if the honourable senator could respond with an answer to what procedures the Canadian Forces are actually implementing in that theatre of operations, specifically in regard to the optional protocol to the Convention on the Rights of the Child and the fact that children under the age of 18 years are not considered prisoners of war. They are wards to be demobilized, rehabilitated and reintegrated.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As Senator Dallaire knows better than most honourable senators, the transfer of juveniles is done in accordance with procedures established by NATO. These are rumours and speculation; there is not a shred of evidence that any juveniles transferred by the Canadian Forces have in fact been harmed.

I will repeat: There are NATO procedures for handling juveniles in a theatre of war. Just as I am certain that all NATO partners follow those NATO-established procedures to the letter, this government does as well.

Senator Dallaire: I have a supplementary question. I am asking the honourable senator to give us information in regard to what those procedures are and whether or not we are abiding by them. The response would indicate that we are not even using the right terminology in regard to these child soldiers. We are calling them "prisoners" and even "detainees." Right from the start, we are not even in the right ballpark.

Second, we know they have been demobilizing about 3,000 child soldiers in that theatre of operations. A number of NGOs such as UNICEF are involved. To what extent are our Canadian Forces and our NGOs or humanitarian people in the field actually participating in the processes, and do they have the standard operating procedures that surround the handling of child soldiers in a theatre of operations? After three years of research, it is not obvious what those procedures are. I would be very keen to know what we are doing about it.

• (1455)

Senator LeBreton: I thank the honourable senator for his question, which I shall take as notice. I shall refer Senator Dallaire's question to the Minister of National Defence and ask that the guidelines, to which I have just referred, are provided to the honourable senator.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDY ON CHILD CARE AND EARLY CHILDHOOD
DEVELOPMENT—REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE

Hon. Marilyn Trenholme Counsell: Honourable senators, my question, which is directed to the Leader of the Government in the Senate, regards the November 8, 2007 tender of a report on early learning and child care in Canada 2007.

Knowing how much the honourable leader respects the work of the Standing Senate Committee on Social Affairs, Science and Technology, and assuming that she is aware that this committee is presently studying early childhood development and child care in Canada, assuming that she is aware that the study will be completed early in 2008 whereas the study announced by her government will conclude only on July 31, 2009, assuming the honourable leader would want to prevent the unnecessary waste of taxpayers money — in this case, \$400,000 — and assuming the honourable leader is in a very strong position of power with respect to cabinet decisions, I would ask why she did not ask her cabinet colleagues to await the Senate report on early childhood development and child care in Canada rather than giving her support to further delay, unnecessary duplication and probably an unconscionable waste of money, \$400,000, that should be going to quality child care and early childhood development programs for parents in the provinces and territories?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

Many years ago, I was well warned about using the word "assume." We all know, when the word is broken down, what is made.

Many studies take place in both houses of Parliament. The government has a definitive agenda to follow in terms of child care. Therefore, as much as most of the various committee studies in both houses are of value to the government at times, no government — the previous government or this government — can set policy based on studies in this chamber or the other, especially in this atmosphere.

Senator Trenholme Counsell: I believe we could have a very excellent atmosphere with respect to children and early childhood development. In fact, the atmosphere in the Standing Senate Committee on Social Affairs, Science and Technology on this subject is excellent; the support of the Honourable Senator Keon and other senators speaks to that. Whatever happens in other parts of this whole operation of the Senate is not reflected in our committee.

I "know" the leader has a very powerful position; I do not "assume" it. I suppose I should have used another word; I will not use that word again. I put it in as a form of debate. I know her position is powerful.

I should like to ask her very directly — because I know she is powerful and values the work of the Senate committee and I know she is a frugal person by nature in terms of government money — whether at any time she asked her cabinet colleagues to look carefully at what we are doing vis-à-vis this subject and discuss the possibility of avoiding this duplication?

Senator LeBreton: Senator Trenholme Counsell knows very well that I am not in a position to speak publicly about discussions in cabinet.

FINANCE

ATLANTIC ACCORD—OFFSHORE OIL AND GAS REVENUES—CANCELLATION OF BRIEFING

Hon. James S. Cowan: On October 10, 2007, the Governments of Canada and Nova Scotia, with great fanfare, announced settlement of their dispute with respect to the Atlantic accord. On October 18, 2007, the chair of the Nova Scotia Liberal parliamentary caucus requested a briefing on the arrangements from the Minister of Finance.

On November 1, Minister Flaherty announced that the briefing would be held on November 5, during the parliamentary break. Late on the afternoon of Friday, November 2, the minister changed the meeting date to November 13.

On November 9, the parliamentary secretary to the minister, Mr. Menzies, announced another cancellation and rescheduling, to this morning at 10:30. The reason given for the cancellation was so that the legislation required to implement the arrangements could be tabled in advance of the meeting. Mr. Menzies confirmed the time and place of that meeting as late as 5:30 last evening.

• (1500)

This morning at 10:16, for the fourth time, Minister Flaherty cancelled the meeting by email, when officials of the Department of Finance and all opposition members from Parliament and Nova Scotia had gathered at the appointed time and place selected by the minister.

My question is for the Leader of the Government in the Senate. Was the leader correct when she told me on two different occasions in this house that there would be no proposed legislation? Has there been a breakdown once again in the October 10 arrangement, or is it simply another example of the disrespect shown by this government to Nova Scotia and the members of Parliament who are not members of the Conservative Party?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I will not re-enter the debate on budget implementation legislation. As both the Minister of the Atlantic Canada Opportunities Agency and the Minister of Finance said, the details of this arrangement will be available as part of the budget implementation bill.

With regard to the meeting this morning, which was cancelled, I can repeat what the honourable senator said in his question. The Department of Finance did not proceed because officials did not want to do the briefing until the proposed legislation is tabled in the House of Commons.

Senator Cowan: Perhaps the Leader of the Government in the Senate could find out what happened between 5:30 p.m. yesterday and 10:16 a.m. today that caused this change of attitude.

Senator LeBreton: I will take that question as notice. I am not aware of the circumstances but I will be happy to try to find the answer for the honourable senator.

Hon. Jane Cordy: It is my understanding that copies of this proposed legislation are in the hands of Progressive Conservative ministers and others in Nova Scotia. Would the leader respond to that, please?

Senator LeBreton: Honourable senators, Senator Cordy seems to have information that I do not have.

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS

Hon. Jerahmiel S. Grafstein: Honourable senators, I have a follow-up question to the Leader of the Government in the Senate with respect to the border. I have not yet received a response to my question some weeks ago about the critical choke points along the border; in particular at the Detroit-Windsor and Buffalo-Niagara border crossings. Since that question was raised in the Senate, the situation has grown visibly worse, with longer lineups and increased pollution at both border crossings. Obviously, there is a growing daily crisis at those border points. Again, yesterday, a lead editorial in *The Globe and Mail* referred to a terrible incident involving Canadian firefighters seeking to cross the border to help put out a fire in New York State. The building burned down because the firefighters were held up at the border because of some security clearance issues.

The Globe and Mail describes this as a tale of bureaucracy run amok, and the situation continues to grow worse each day. Compounded by the rising Canadian dollar, the line-ups on both sides of the border are three and four hours long.

The Globe and Mail article referred to some bureaucratic problems that obviously are not being solved by this government, such as twelve separate sets of documents to bring one load of automobile parts across the border. Yet, if a German exporter brings in a car from overseas, he only needs one set of forms. In effect, our regulations are hindering Canadian industry.

The Globe and Mail article also said that the Security and Prosperity Partnership between the United States, Canada and Mexico established with great fanfare in 2005 is all but dead. This is not news to senators on the other side and has been confirmed by witness testimony at Senate hearings. At least 44 Canadian and American agencies have jurisdiction over the border and the federal and provincial governments introduce and revise 4,500 regulations each year. The U.S. numbers are comparable.

It is my view that *The Globe and Mail* has underestimated the compliance tab of roughly \$33 billion per year. I estimate the indirect cost to be in excess of \$100 billion per year. The Conference Board of Canada has said that the backups are so bad they are eroding the efficiency gains from the Canada-U.S. Free Trade Agreement.

Instead of fiddling with forms and putting 575 billion trading relationships at risk, Canada should insist on remediating this problem.

• (1505)

Therefore, I ask the honourable senator two questions: First, when will she respond to my last question, because the crisis has been growing; and second, what immediate steps is the government taking to remediate this growing situation that is costing Canadians money and jobs?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I answered a similar question last week from Senator Mahovlich. There is no question that this thickening of the border is a serious problem. It has been compounded, as I mentioned to Senator Mahovlich last Thursday, by the strengthening dollar. Even people who participate in the FAST program cannot get into the fast-track lane because of the tie-ups at the border.

As the honourable senator knows, the Minister of Transport has been working very hard with his counterparts in the United States to resolve the Windsor-Detroit crossing by building a new bridge in the Windsor-Detroit area.

As well, Canada is confronted with a situation where security matters trump trade in the United States. That is obvious. With the likes of Lou Dobbs on CNN and the various positions taken by presidential candidates in both major parties in the United States, and in addition the protectionist sentiment in Congress, there is no question that this serious matter is of great concern to the government.

As I reported last week, the Minister of Industry, Jim Prentice, has been in Washington and has had several meetings, and is working on this issue. The Minister of Finance, Jim Flaherty, is working on the same issue. Ambassador Wilson is seized of this matter almost 24 hours a day, seven days a week. The government is working very hard to try to resolve this problem.

With regard to the earlier question, I will certainly find out where the written response to the first question is and provide that as quickly as possible.

The government considers this a serious issue. Minister Day is working on the public safety side. This matter is receiving a significant amount of attention from the government and, hopefully, through our negotiations with our United States counterparts, it will come to some resolution.

It would be helpful if we did not have some of the hysteria that is being demonstrated in the United States when they confuse the security along the U.S.-Mexican border with issues that are not even relevant to the U.S.-Canadian border.

Senator Grafstein: Honourable senators, I have a supplementary question. First, the situation is not all gloom and doom. The Provinces of Ontario and British Columbia are moving forward with automobile licences that will be acceptable to the Department of Homeland Security. The states of Washington and New York are doing the same thing.

However, we will not talk about what is happening in the United States; we will talk about what is occurring in Canada. The point of my question was that there are Canadian regulations, and bureaucratic holdups and confusion in Canada that contribute to a made-in-Canada clog at the border.

I know the American side of the Canada-U.S. problem and I know we are working hard to remediate on the U.S. side. However, we are showing no leadership on our side to cut through the bureaucratic red tape to make the process easier for Canadians and in particular Canadian automobile manufacturers and others to export their products. Therefore, the issue does not lie solely with the United States. The primary issue is to show leadership in this country. The question I have for the leader is: Will she speak to her government, to each and every department, and say "Hurry up, let's cut out this bureaucratic red tape, let's move forward to make it easier for Canadians to export to the United States"?

Senator LeBreton: Honourable senators, I believe I answered that question in my last answer. Ministers Day, Prentice and Flaherty, in particular, and Ambassador Wilson have this subject very much in mind. They are all working very hard on this issue.

• (1510)

In his preamble to the question, and it is one of the reasons why I spoke about the situation along the United States side of the border, the honourable senator mentioned the fire truck that could not cross the border. That was specifically because the border officials on the U.S. side, with firemen and a fire burning within their sight, were expecting the firemen to produce identification when they had jumped into a fire truck to put out a fire. There have been two incidents, including an ambulance that could not cross the border.

This is the kind of thing we are dealing with. I do not have to go from minister to minister and department to department, honourable senators, because I know that is exactly what they are doing.

FOREIGN AFFAIRS

LICENCES ISSUED FOR REMOVAL OF BULK WATER

Hon. Pat Carney: Honourable senators, my question to the Leader of the Government in the Senate deals with written submissions. A couple of weeks ago I asked her to supply a written answer to my question regarding the number of licences for bulk water removal from the Great Lakes system, when they were issued and the environmental assessments that were involved.

The question was simply: How many licences have been issued, when were they issued and what were the environmental assessment results?

In contacting the department officials, they have yet to find any written request from the office of the honourable senator to find this information. I was wondering if the leader could clarify where she is in this process of finding this out.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I do not know which officials she was speaking to in the department, because the moment I make a commitment to provide a written response during Question Period, that request is processed immediately. When I make a commitment to obtain

information, the request is submitted. I have not and will not ever sit on a question and send it off when I get around to it. That is not the way it works.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to three oral questions: a question raised by Senator St. Germain on October 17, 2007, concerning the Speech from the Throne and specifically the measure to address aboriginal land claims; a question raised by Senator Milne on October 18, 2007, concerning the Canada Border Services Agency and the enforcement of regulations regarding food imports; and, a question raised by Senator Hubley on October 30, 2007, concerning Fisheries and Oceans, specifically, the granting of licences to mid-water trawlers to fish herring in the Gulf of St. Lawrence.

SPEECH FROM THE THRONE

MEASURE TO ADDRESS ABORIGINAL LAND CLAIMS

(Response to question raised by Hon. Gerry St. Germain on October 17, 2007)

The settling of specific claims is an urgent matter, not only for First Nations but for all Canadians. Specific Claims represent historic grievances that must be dealt with in a fair and timely fashion. The introduction of legislation to establish a Specific Claims tribunal is a priority of the government and we can expect to see this Bill introduced in the near future, certainly before the end of the calendar year.

PUBLIC SAFETY

ENFORCEMENT OF REGULATIONS REGARDING FOOD IMPORTS

(Response to question raised by Hon. Lorna Milne on October 18, 2007)

Canada Border Services Agency

The Canada Border Services Agency (CBSA) is responsible for the administration of a variety of other government departments' (OGD) legislation at the border, including that of Health Canada and the Canadian Food Inspection Agency. OGDs are responsible for the development of their legislation and programs, the setting of applicable standards, and for domestic regulations. OGDs identify to the CBSA those commodities which could pose a threat to the health and safety of Canadians and CBSA uses its targeting capabilities to identify and refer those commodities for examination, detention and/or disposition at the port of entry.

Health Canada

The Canadian food safety system is a complex system that requires extensive and close collaboration among all levels of government involving federal, provincial and

municipal players from both the health and agriculture sectors. At the federal level, maintaining the safety of Canada's food supply is a shared responsibility between Health Canada, the Canadian Food Inspection Agency (CFIA), and Canada Border Services Agency (CBSA) at the border.

Health Canada is responsible, under the *Food and Drugs Act (FDA)*, for the establishment of policies and standards relating to the health, safety, and nutritional quality of food sold in Canada. All foods sold in Canada must meet the safety and nutrition requirements specified in the *FDA* and its regulations whether produced domestically or imported. Health Canada works through the *Codex Alimentarius Commission* and with international partners to develop international food safety standards that are comparable and compatible with Canadian standards and reflect Canadians' expectations for safe food.

The CFIA is the federal agency responsible for providing all federal inspection services related to domestic and imported food products sold in Canada. The CFIA leads the investigation and management of food emergencies, enforces the federal food safety policies and standards established by Health Canada, and takes enforcement action when standards are not met or when health risks are identified. The *Canadian Food Inspection Agency Act* gives the Minister of Agriculture and Agri-Food the authority to order a product recalled.

The CBSA assists other government departments in the administration and enforcement of their legislation as it applies to imported products. The *Customs Act* provides the legislative authority for Border Services Officers to detain goods that may be in contravention of the *Customs Act*, or any other act or regulation governing the import or export of goods.

Border Services Officers:

- review import documentation, ensuring that all required permits, certificates and licences (including those for other government departments) are presented before the goods are released; and
- perform examinations of food shipments to verify that the information/documents being presented at the time of release are relevant to the goods.

FISHERIES AND OCEANS

GRANTING OF LICENCES TO MID-WATER TRAWLERS TO FISH HERRING IN GULF OF ST. LAWRENCE

(Response to question raised by Hon. Elizabeth Hubley on October 30, 2007)

The impact of this decision was evaluated both in terms of stock conservation and socio-economic impacts. The fact that the fall herring stock is healthy and that the fishery is managed with a total allowable catch (TAC), which is lower

than the maximum sustainable catch, ensures that conservation principles are respected. In addition, any positive socio-economic impacts from this fishery will reflect across the southern Gulf herring industry as a whole.

Given that the fishery is managed with a TAC, and that this TAC is divided between inshore fishers and the mobile gear fleet before the start of the fishing season, there should be no additional impact on the inshore fishery. The vessels using midwater trawls must follow all the established rules and regulations on the water including the 25-fathom line that is important to Prince Edward Island fish harvesters.

Any removal of fish, either by inshore fish harvesters or by mobile gear operators, reduces the total amount of fish available. Any landings by midwater trawl will be counted against existing allocations. Since the TAC is set lower than the maximum sustainable catch for this herring stock, there should be no additional impact on the resource, whether it is fished with purse seines or midwater trawls.

With respect to consultation with inshore fish harvesters, the 2007 management plan for the Gulf herring fishery allows for up to three mobile gear licence holders to fish using midwater trawls. This plan was reviewed by all members of the Gulf Small Pelagics Advisory Committee at meetings in December 2006. This Committee includes government and industry representatives from Prince Edward Island, New Brunswick, Nova Scotia and Quebec.

The number of mobile gear herring licences in the Gulf has not been increased; rather, two existing licence holders are authorized under their existing licences to use different vessels with midwater trawls instead of purse seine nets. There is no additional quota for these licences. Vessels will not be allowed to fish after existing quotas have been met. There is no increase in fishing capacity as a result of this decision.

The use of midwater trawls, with current restrictions and management measures, is consistent with sustainable fisheries and conservation principles. It is the responsibility of the Minister to grant fair and equitable access to legally allocated quotas and to ensure that all fish harvesters abide by the rules set out in management plans.

[English]

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. W. David Angus moved third reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

He said: Honourable senators, it is with great pleasure that I rise to say a few words at third reading respecting Bill S-2, this latest amendment to the Canada-United States Tax Convention Act, 1984.

Honourable senators, several weeks ago, I spoke in some detail on the specific details of this bill at second reading stage. Therefore, I wish to limit my comments to a few brief remarks today.

The present convention was signed in 1980 and has been updated four times in the past, through agreements known as protocols. Bill S-2 proposes to put into force the fifth protocol to the tax treaty between Canada and the United States.

• (1515)

Honourable senators, the bill is the culmination of almost a decade of discussions and negotiations between Canada and our most important trading partner, the United States.

The fifth protocol was signed in an important ceremony at Meech Lake during September with Finance Minister Flaherty, representing Canada, and Secretary Paulson, representing the United States. This agreement will permit our respective tax systems to be more efficient and will strengthen economic cooperation between our two nations. As well, it will facilitate cross-border trade, investments and other key Canada-U.S. economic activity. Indeed, this bill will benefit both Canadians and Americans in many important ways.

Honourable senators, the bill was referred to the Standing Senate Committee on Banking, Trade and Commerce. It was studied there last week and reported on Thursday without amendment and with unanimous all-party support. In my capacity as chairman of the committee, I opened the hearings with the following question:

Are the officials with you comfortable that there has been proper consultation? It is been a long, 10-year process, as I indicated at the outset, but we need that reassurance if we are going to proceed possibly even to clause by clause today.

Brian Ernewein, General Director, Tax Policy Branch, responded as follows:

It is true that it has been a long process. It is also the case that the text of the treaty is not shared or circulated in draft form. The first time that the text of the agreement would have been seen by the public would be on the date it was signed, when both countries would publish it and make it generally available.

Since that time, there have been some narrow questions on the interpretation and application of the rules, but nothing that would change our view, before signature, that this represented a good deal for Canada — indeed, a good deal for both countries.

I should also add that even though the text of the agreement was not released until it was actually signed, the topics under discussion were known to the tax community. Indeed, they were sometimes brought up by the tax community. What you have before you reflects to a large measure input we have received from the tax community in changes that they thought important to make to the treaty.

I said:

Thank you for that.

I turned to Mr. Lawrence Purdy, Senior Chief, Tax Legislation Division, and said:

Mr. Purdy, did you have anything you wanted to add to that?

He said:

I have nothing to add other than to reinforce the point that much of what is in this protocol does reflect the direct requests from concerned sectors.

Honourable senators, just before the sitting this afternoon, an email was brought to my attention that was addressed to me and copied to all senators sitting on the committee. It is from a certain tax lawyer with Ernst & Young in Montreal who is saying that the firm had taken cognizance of the transcript of the hearing and that he and his colleagues have some points they wish to make on it.

Honourable senators, this is an "S bill," that is, it originated in the Senate. After we give it third reading, which I hope will happen today, it will be studied in the other place. We must accept in good faith the answers given by the officials. This matter was before them for some 10 years while the treaty was being negotiated. We have received this email, albeit after the bill was reported here unanimously and without amendment, and I undertake to send it along to our counterparts in the other place to do with as they see fit.

Given that this bill has been in the public eye for more than a month and has not been criticized, before this email, by any group or organization, I submit that it is good, solid, long-overdue and necessary legislation. This is not a bill with public policy provisions; it is implementing a treaty that has already been concluded between our two nations and is therefore not subject to amendment by the normal process.

• (1520)

I hope this bill will receive the same support here in this chamber as it received at committee. As such, honourable senators, I move third reading of the bill and that it be referred to the other place.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I would ask honourable senators for a delay of one day on this. I do want to have Senator Goldstein, the deputy chair, consulted. He is away, and I want to confirm with him and his office that he has taken note of the email in question. I know Senator Angus is eager to proceed with this bill as quickly as possible, but it is important that the deputy chair be aware of this new information.

Senator Angus: Agreed.

On motion of Senator Tardif, debate adjourned.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Pierrette Ringuette moved second reading of Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection).—(*Honourable Senator Ringuette*)

She said: Honourable senators, I am pleased to speak to the second reading of this bill — which I have tabled for the third time in the Senate, first as Bill S-44 in September 2005, then as Bill S-201 tabled in April 2006. The current Tory government accuses us of delaying their bills.

Bill S-201 was tabled on April 2006 and sent to our National Finance Committee in September 2006, which committee reported the bill with a slight amendment on October 3, 2006. That all seems reasonable, so far as delay is concerned. However, it took two Tory senators seven months to comment on this bill for a maximum of 20 minutes each. Now, that is certainly a delay tactic.

Bill S-201 received third reading and was sent to the other place last May.

However, honourable senators, I am pleased to report that, even with the delay tactics of our Tory friends, there has been slow but constant progress. The president of the Public Service Commission expressed to us in committee last week her commitment to removing the restrictive geographic areas of selection in external competition for federal public jobs anywhere in the country. She has promised that by December 2008, in 13 months, the objective will be achieved.

I applaud Madam Barrados, the current president of the Public Service Commission. She is a woman of great determination, and I am thankful that she has put in place this policy — and I stress the word "policy."

May I remind my colleagues that, as I just indicated, removal of the geographic restriction is based only on a policy, championed by the current president of the commission, Ms. Barrados. With respect to policy change, as we have seen on other issues, depending on the government of the day and, in this particular situation, the sole person who presides over the Public Service Commission, policies are changed without warning from and for all parts of government operations.

Policies and even agreements have been changed by this government in the last 20 months. That is why I am continuing my quest to remove the geographic barriers with legislation, so that the PSC will have to ask to amend future legislation if it wants to reintroduce geographic barriers for federal jobs.

It has been an issue for over 13 years for me and for thousands of Canadians wanting to have at least an opportunity to compete for a federal public job, wherever it is and wherever they reside. It is a question of respect of our Charter's mobility rights for our citizens, and equity in opportunity.

May I also remind honourable senators that only 20 per cent of federal hiring last year was done via the external competition route. Incredible to believe, that this service-based industry is hiring 80 per cent of its staff as part-time, term or indeterminate.

At 80 per cent, we are talking about over 45,000 hirings last year. Only 5,700 jobs were jobs advertised on the Public Service Commission website, while permanent appointments were at 7,720. Seventy-five per cent of the new permanently hired public servants had prior experience as either part-time, term or casual employees.

I am certain that the private sector looking at these statistics would have a very good laugh at us. Eighty per cent of hiring without competition speaks directly to the second part of Bill S-219, since it would prohibit bureaucratic patronage. A recent survey done by the Public Service Commission indicated that 73 per cent of public servants acknowledge that bureaucratic patronage is happening in their work unit. Other Commonwealth nations, U.K. and Australia, for example, have put forth legislation in addition to rules prohibiting bureaucratic patronage.

No wonder the commission is preoccupied by the current practices. Honourable senators, it is cause for alarm for the entire apparatus of government and how it will service our citizens.

Considering the importance of the issue and its current and future implications, I strongly believe we should mandate a Senate standing committee to look at staffing in the federal public service along with staffing in the private sector done via immigrants and working visas.

There is a looming revolt, and, as the economy goes into stagnation, citizens will not stand for the actual unfairness of treatment.

Honourable senators, I could go on and on, and I have been going on and on. I have spoken about this issue many times. Therefore, I move that Bill S-219 be deemed to have been read a second time, that we accept the committee report dated October 3, 2006, and that we move the third reading of Bill S-219.

On motion of Senator Stratton, debate adjourned.

• (1530)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: Honourable senators, my friend the Deputy Leader of the Government has held the adjournment of this bill, in which I have some interest, for some time. What is the intention of the government with regard to this bill and its passage through the Senate?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we have been following a practice for quite some time, and it might go as far back as when Senator Murray was the leader in this place, that when bills are brought before the

Senate, senators who act as critics on a bill do like to obtain the minister's views on the bill prior to providing their comments on it. That does not mean that the critic of the bill will necessarily follow the minister's line, but at least the critic likes to hear the minister's views on the current status of the bill.

In this case, this bill has not been addressed by the minister's review group yet. We are waiting on the minister's review of Bill S-215 at the present time.

Some issues have arisen since the last time this bill was before honourable senators. My understanding is that we now have a new minister in place. The lead minister on this bill would be the Minister of the Environment. As well, there is an impact on another department, the Department of Fisheries and Oceans, which would be called on to fund the implementation of the bill. I do not think I am bringing anything earth-shatteringly new to what was there previously. We are looking for the minister's review on this to see what its current status is, and whether they support or do not support the bill.

My understanding, and I listened carefully to Senator Carney when she last spoke on the matter, is that she did have letters of support for the bill from three ministers; namely, the Minister of the Environment, the Minister of Fisheries and Oceans, and the Minister of Heritage. If that is the case, I do not see why it should take long to process this bill, if these three ministers support the bill.

Hon. Tommy Banks: Honourable senators, I wish to address a question to Senator Comeau. What he has just said is news to me. I want to ensure that I am interpreting the information correctly.

Is the honourable senator saying that senators' bills introduced in the Senate, with respect to their process through the Senate, are subject to, and have in the past been subject to, vetting, for all intents and purposes, by the government?

Senator Comeau: Honourable senators, I do not think it will come as any great surprise to a parliamentarian of Senator Banks' seniority in the Senate that ministers do like to look at bills prior to indicating whether or not they like the bill. The honourable senator might have noted my careful wording when I said that it does not necessarily mean that the critic will follow the minister's suggestions. It does mean that the critic for the bill would like to get the minister's views prior to preparing his or her comments on it as critics in this place. This is a long-standing practice. This goes back to when the honourable senator's party was in government. Critics like to obtain a minister's view on a bill prior to preparing comments for parliamentary review in this place.

Hon. Pat Carney: Honourable senators, I realize that I cannot comment on this bill, but I do have a question of the Deputy Leader of the Government.

The honourable senator says that a new minister has been appointed. Who is the new minister? The minister named in the bill, which was passed one year ago in the Senate, is the same Minister Baird who is the Minister of the Environment. The minister involved in the bill is the Minister of the Environment. That was as outlined in the old Bill S-225 and in the new bill. As far as I know, there has been no change in the Minister of the

Environment, nor has there been a change in the Minister of Fisheries and Oceans. It is not correct to say that the Minister of Heritage is involved because it is clearly the Minister of the Environment named in the bill.

Has there been a change in the ministry that I am unaware of that supports the honourable senator's view that there has been a change in the ministry since this bill passed the Senate, after meetings with the minister's staff, after amendments offered by the Minister of the Environment, and after amendments passed by the Senate Fisheries Committee?

Senator Comeau: Honourable senators, my impression was that Minister Ambrose was the minister when this bill went through the committee process. I may be subject to correction, which I would entirely accept.

I hear what the honourable senator is saying with regard to Heritage Canada. When she spoke in this chamber, she indicated that she had letters of support from three ministers, that is, the Minister of Fisheries and Oceans, the Minister of Heritage and the Minister of the Environment. If there are three letters of support for a bill from three very prominent ministers, I would suggest to Senator Carney that the matter would probably be handled quite expeditiously in this place.

Senator Carney: If the honourable senator reviews the *Debates of the Senate*, he will find that two ministers are named and not three. The letters of support come from the Minister of the Environment and the Minister of Fisheries and Oceans.

Senator Comeau: Far be it from me to try to correct this. The matter is quite simple. I read the Hansard. Three ministers were mentioned; it is that simple.

Senator Murray: The Honourable Deputy Leader of the Government holds the adjournment. Does he have any objection if I intervene at this point?

Senator Comeau: I have no objection whatsoever, provided that the 45 minutes allotted to the critic be reserved for the critic and that the time for the honourable senator's comments at this point would be reserved to those subsequent to the critics, that is, the 15 minutes.

Senator Murray: Honourable senators, I have never imposed on the Senate for 45 minutes; at least, I have not done so recently.

Senator Carney: You do not need to.

Senator Murray: Honourable senators, I wish to intervene for the purpose of appealing to the Senate to expedite passage of this bill now or at a very early date so that it may be reinstated at committee stage in the House of Commons as provided for under their rules.

As the sponsor of the bill reminded us when she spoke on November 1, this is the seventh time that a similar or identical bill has been before Parliament. An identical bill was passed by the Senate last June and received second reading in the House of Commons and was at the committee stage where it was being discussed and witnesses were being heard when prorogation overtook the first session of this Parliament. It is with a view to

having the bill passed quickly in this place so that it can be reinstated there that I wanted to intervene.

I also wish to make some comments on the substance of the bill, comments that honourable senators may not have heard before. Even if they have, those comments bear repeating.

• (1540)

I have read the debates. There have been some good speeches in both Houses and at the committee. I have read the testimony at the committee. I have reread the bill. It is clear to me that some witnesses have made very alarmist, unjustified, unnecessary statements. It is clear that these statements have been reflected in interventions by parliamentarians in both Houses to the general effect that implementation of this bill would impose an enormous financial burden on the government, or at least on one or more of the departments of government. A reading of this bill convinces me that there is nothing in it that warrants such an apprehension that implementation of the bill would break the bank.

I draw your attention to the fact that the key powers and responsibilities attributed by this bill to the minister — the minister of whom the bill speaks is the Minister responsible for Parks Canada, presently the Minister of the Environment — are to be exercised at his or her entire discretion. I invite your attention in particular to clauses 6, 7, 9, 10 and 15 of the bill. The minister "may" designate a lighthouse to be a heritage lighthouse. The minister "may" include any related built structure in the designation. Alternatively, 25 residents of Canada who are 18 years of age or over may petition the minister to have a particular lighthouse designated as a heritage lighthouse, in which case what must the minister do? The minister "must" consider the petition. The minister "must" determine whether or not to designate a particular lighthouse as a heritage lighthouse. The minister "must" establish an advisory committee. The minister "must" consult with that committee and "may" consult with others. We have not spent a nickel yet. The minister "must" establish criteria for designation. He "must" establish criteria for any alterations or maintenance, and so it goes. There are mandatory provisions in this bill for public involvement and notice to the public if and when the government decides to sell or alter or demolish a lighthouse so designated.

The present situation is that the lighthouses, like any other property, can be designated as heritage buildings by the minister responsible for Parks Canada. They may be so designated, but there is no statutory protection for them. There is no obligation on the part of the government to preserve or maintain them, as I read the statutes. This bill would change that. This bill provides a framework for the specific designation of heritage lighthouses. It provides better protection for lighthouses so designated. It creates a process or channel through which public opinion may be brought to bear on the government with regard to the designation and protection of these lighthouses. As of now, lighthouses — certainly lighthouses no longer in service — may be sold off, torn down, burned down or left to rot at the entire discretion of government officials.

Senator Segal: Shame.

Senator Murray: That is the status quo that official Ottawa wants to preserve. That is the status quo that Senator Carney and Senator Forrestall before her and the Senate on six occasions has

sought to change with a publicly defined criteria, a public process and a public accountability on the part of the government. That is the purpose and the purport and the objective and will be the result of this bill being passed.

The bill is, as we have noted, at second reading here. In my humble opinion, it would be an imposition to send it to committee again. If, for the purpose of form, as was done for Senator Bryden's bill, it is the view of the Senate that it should go to committee, that is fine. It should not take more than one sitting, given the history of the bill. Alternatively, we could do clause by clause in committee of the whole almost now or tomorrow and/or go to third reading almost immediately.

With regard to the exchange that we heard a few moments ago between Senator Carney and Senator Comeau and Senator Banks, of course it is proper for officials to brief their ministers on the implications for the government and, in particular, for the Treasury, of a private member's bill. It is understandable if ministers want to take a united stand for or against a private member's bill. It is quite understandable and normal if ministers want to offer guidance to government supporters in their caucus. We would have to live with the outcome.

What I think is improper and beyond the pale, especially given the history of a bill like this, is to stall the bill in Parliament. That would be an affront to Parliament and, in this case, quite a wound and an insult to people out there who hold the preservation of our heritage close to their hearts and are really interested in this bill.

We do not have the last word on it. On six previous occasions, we have had the last word that we can say on it. I ask the Senate to send it to the House of Commons, who will have the last word. Send it there again so that it may be reinstated at committee stage, and trust to their good judgment.

Senator Banks: Honourable senators, I wish to attach myself very much in support of what Senator Murray has just said. Without referring to the substance of the bill to which he has referred, I remind you that, in addition to Senator Bryden's bill, which has been dealt with alacrity, four other bills, including Senator Carney's, Senator Ringuette's, Senator Grafstein's and my bill, are in the same circumstances as described by Senator Murray. Fairly recently, we passed those bills in this place, and all of them had passed second reading in the House of Commons. All of them were at the committee stage. In the case of my bill, it was about to be reported. In the case of the adjournment taken by the Honourable Senator Segal in respect of the bill of which I am the author, he said at the time that he was in support of the bill and took the amendment of it.

I join Senator Murray in urging whatever signal needs to be given on the part of the government leadership in the Senate to the critics of these bills to proceed with the debate on which they hold the adjournment. We should do that as quickly as we can. Senator Oliver was correct when he counted the days and said that if we take the 60 days as set out in rule 84(1) of the House of Commons, it takes us into March. That is correct. However, let us be practical. When a bill is introduced in the Senate, it has certain advantages by comparison with a private member's bill in the other place. We all know that. Once a Senate bill gets to the House of Commons, it is treated in that place as a private member's bill, together with all the other private member's bills. It

is no longer a Senate bill in term of its treatment. The fact is there is not a snowball's chance in hell of a private member's bill being introduced, notwithstanding that it was introduced in its previous stage into the House of Commons in March, and being passed before the summer recess. That just will not happen.

Therefore, the authors of these bills have an interest in alacrity in order there is some chance that each of them, which have been introduced time and time again, might actually get to the where they are approved or defeated in the House of Commons.

• (1550)

Therefore, I urge the government leadership to send whatever signal is necessary to the critics to speak to these bills and move them by whatever means necessary as quickly as possible.

Hon. Consiglio Di Nino: Honourable senators, I will make a couple of brief comments. I am somewhat concerned about this debate. I believe there may have been some value if this matter had been held up.

Looking at the Order Paper, one can see that this is the third sitting day for this item. It is unfair to start suggesting delay tactics when a bill has only been held for three days. I have sympathy with some of the comments being made on this issue and others, but honourable senators will agree that three days is not an unreasonable length of time.

On motion of Senator Comeau, debate adjourned.

KELOWNA ACCORD IMPLEMENTATION BILL

SECOND READING ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Peterson, for the second reading of Bill C-292, to implement the Kelowna Accord.—(Honourable Senator Stratton)

Hon. James S. Cowan: Honourable senators, Bill C-292 was introduced in the House of Commons in May 2006. It was passed in that place in March 2007. It arrived here; it went to committee and then died on the Order Paper when prorogation took place. It was reintroduced in the Senate on October 16. Senator Campbell, the sponsor of the bill in this place, spoke on that day. We are waiting for the government to express its views.

I reiterate the points made by Senator Banks and Senator Murray, and ask the Deputy Leader of the Government in the Senate when he would expect a government response on this issue.

Hon. Terry Stratton: Honourable senators, Bill C-292 stands at day three in the Senate. I wanted to have a word with Senator Campbell before I spoke, but he is not here. I wanted to speak with him about the bill. That was my intent.

Senator Tkachuk: It is day three, which is pretty good.

Senator Corbin: Question!

Order Stands.

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, for the second reading of Bill C-293, An Act respecting the provision of official development assistance abroad.—(*Honourable Senator Segal*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I wish to ask the government what its intention is in regard to Bill C-293.

This bill was reintroduced on October 16, 2007. It was given second reading on October 24, and Senator Dallaire spoke to it on October 24 and October 25. That has been much more than three days. When can we expect the government to speak to this item?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Segal is the critic on this bill. If the impression has been caused by previous discussions and comments by some in this chamber that we are delaying for the sake of delaying, that is simply not the case.

We have a limited number of senators on this side. I know that is not the fault of the other side; it is just a fact of life in this chamber. Our limited numbers, as good as they are, as solid and as enthusiastic as they are, are trying their best.

The Order Paper lists the numbers of Senate public bills and Commons public bills coming into the Senate. We have not had such large volumes of bills in the past. That does not include the government bills we try to handle. Honourable senators on this side need to scrutinize and establish positions on these bills.

Additionally, the limited numbers on this side have committee work with which we must deal. If the honourable senator is trying to create the impression that we are unduly delaying bills, I assert that is not the case. She need only look at the numbers on this side and she will see that is not the case. We are trying our best. This place is supposed to produce good work, and we will not be rushed into producing critics' positions that are not sustainable.

Earlier, Senator Murray made some points regarding Bill S-215, the lighthouse bill, saying that alarmist comments had been made by witnesses in committee. I find that extremely interesting given that the only witnesses who have appeared at committee on the lighthouse bill were officials of the government. Senator Murray was making extremely alarming allegations against public officials. This sort of issue is the reason we may wish to send this bill back to committee. By doing so, we will provide an opportunity for those public officials, who Senator Murray said had made alarming allegations, to explain their positions. Were they providing wrong information to us? It is quite an alarming comment that was made.

We may wish to start looking at these issues.

• (1600)

Senator Murray said that the numbers attributed to the Department of Fisheries and Oceans were wrong. That really concerns me, because honourable senators learned at the committee hearings into the lighthouse bill that there was an extremely heavy budgetary cost to this, along with implications for the Department of Fisheries and Oceans.

I am glad that Senator Murray brought these matters up because we may wish to clarify some of these things. This is why we cannot be rushed when we look at private senators' bills. These bills are not prepared with the aid of research and legal staff. These bills are done in the privacy of a senator's office, sometimes with the best of intentions.

That is why we need to be able to dig a little bit deeper than just simply standing up in this place to say that this bill is a great bill on the surface so let us get it through in a rush; let us have one, two, three readings in one day and send it off to the House of Commons. That is not the way we work.

[Translation]

Hon. Fernand Robichaud: Honourable senators, just so this is clear; is Senator Comeau's speech considered as the second speech, the one by the government, for which 45 minutes is allocated, with the next speech limited to 15 minutes?

The Hon. the Speaker pro tempore: The motion is on Bill C-293.

[English]

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, that this item remain adjourned in the name of Senator Segal?

Hon. Senators: Agreed.

Order stands.

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re rule 104), presented in the Senate on November 15, 2007.—(*Honourable Senator Eyton*)

Hon. J. Trevor Eyton moved the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

THE SENATE

MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal:

That the Senate urge the Government of Canada to update the 1989 *Phosphorus Concentration Regulations* to prevent the growth of toxic algae in Canada's lakes, rivers and streams.—(Honourable Senator Comeau)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

On motion of Senator Tardif, debate adjourned.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Colin Kenny, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Colin Kenny, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON NATIONAL SECURITY POLICY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS PARLIAMENTS

Hon. Colin Kenny, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the

Department of Public Safety and Emergency Preparedness to carry out its mandate;

- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee report to the Senate no later than March 31, 2009 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Colin Kenny, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to members of the Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada;
- (b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and
- (c) the implementation of the recently enacted Veterans Charter;

That the committee report to the Senate from time to time, no later than March 31, 2009.

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. W. David Angus, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may

be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES
DEALING WITH INTERPROVINCIAL BARRIERS
TO TRADE AND REFER PAPERS AND
EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade in Canada, in particular:

- the economic and trade barriers that exist between provinces in Canada;
- the extent to which such interprovincial barriers are limiting the growth and profitability of the affected sectors of the economy as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and
- measures that could be taken by the federal and provincial governments to facilitate the reduction or the elimination of such interprovincial trade barriers in order to enhance trade, develop a national economy, and strengthen Canada's economic union; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. W. David Angus, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Senator Angus]

COMMITTEE AUTHORIZED TO STUDY PRESENT
STATE OF DOMESTIC AND INTERNATIONAL
FINANCIAL SYSTEM AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joan Fraser, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

[Translation]

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser, pursuant to notice given November 15, 2007, moved

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[English]

COMMITTEE AUTHORIZED TO STUDY INCLUDING IN
LEGISLATION NON-DEROGATION CLAUSES
RELATING TO ABORIGINAL TREATY RIGHTS
AND REFER PAPERS AND EVIDENCE
FROM PREVIOUS SESSIONS

Hon. Joan Fraser, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament, the First Session of the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee present its report to the Senate no later than December 20, 2007.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY STATE
OF EARLY LEARNING AND CHILD CARE AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Art Eggleton, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy for the early education and care of young children in Canada is still in its initial stages and coverage is low compared to other OECD countries;"

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."; and

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-ninth Parliament be referred to the Committee.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY IMPACT
AND EFFECTS OF SOCIAL DETERMINANTS
OF HEALTH AND REFER PAPERS AND
EVIDENCE FROM PREVIOUS SESSION

Hon. Art Eggleton, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY CURRENT
SOCIAL ISSUES OF LARGE CITIES AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. Art Eggleton, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty
- (b) housing and homelessness
- (c) social infrastructure

- (d) social cohesion
- (e) immigrant settlement
- (f) crime
- (g) transportation
- (h) the role of the largest cities in Canada's economic development

That the study be national in scope, with a focus on the largest urban community in each of the provinces;

That the study report propose solutions, with an emphasis on collaborative strategies involving, federal, provincial and municipal governments;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Motion agreed to.

• (1610)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Leonard J. Gustafson, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the present state and the future of agriculture and forestry in Canada.

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY RURAL POVERTY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Leonard J. Gustafson, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;
- (b) conduct an assessment of Canada's comparative standing in this area, relative to other OECD countries;
- (c) examine the key drivers of reduced opportunity for rural Canadians;
- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

That the papers and evidence received and taken on the subject and the work accomplished during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than June 30, 2008; and

That the Committee retain until September 30, 2008 all powers necessary to publicize its findings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Leonard J. Gustafson, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Leonard J. Gustafson, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Consiglio Di Nino, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Consiglio Di Nino, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY
OFFICIAL LANGUAGES ACT AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

Hon. Maria Chaput, pursuant to notice given earlier today, moved:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time

to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages;

That papers and evidence received and taken during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report from time to time to the Senate but no later than December 31, 2008, and that the Committee retain all powers necessary to publicize its findings until March 31, 2009.

Motion agreed to.

The Senate adjourned until Wednesday, November 21, 2007, at 1:30 p.m.

CONTENTS

Tuesday, November 20, 2007

	PAGE		PAGE
Afghanistan—Fallen Soldiers		Third Report of Committee Presented.	
Silent Tribute.		Hon. Wilbert J. Keon	245
The Hon. the Speaker	239		
<hr/>			
SENATORS' STATEMENTS		Fisheries and Oceans	
Her Majesty Queen Elizabeth II		Notice of Motion to Authorize Committee to Study Issues Relating	
H.R.H. Prince Philip, Duke of Edinburgh		to New and Evolving Policy Framework for Managing Fisheries	
Sixtieth Wedding Anniversary.		and Oceans and Refer Papers and Evidence from Previous Session.	
Hon. Marjory LeBreton	239	Hon. Bill Rompkey	246
		Notice of Motion to Authorize Committee to Permit	
United Nations Convention on the Rights of the Child		Electronic Coverage.	
Hon. Céline Hervieux-Payette	239	Hon. Bill Rompkey	247
		Notice of Motion to Authorize Committee to Engage Services.	
National Child Day Celebrations in the Senate		Hon. Bill Rompkey	247
Hon. Ethel Cochrane	240		
		Social Affairs, Science and Technology	
United Nations Convention on the Rights of the Child		Notice of Motion to Authorize Committee to Permit	
Hon. Marilyn Trenholme Counsell.	240	Electronic Coverage.	
		Hon. Art Eggleton	247
Public Service Commission 2006-07 Annual Report		Notice of Motion to Authorize Committee to Engage Services.	
Recruitment Rate of Visible Minorities.		Hon. Art Eggleton	247
Hon. Donald H. Oliver	241		
		Aboriginal Peoples	
Cycling in Russia		Notice of Motion Requesting Government Response to Study	
Hon. Peter A. Stollery	241	on Recent Reports and Action Plan Concerning Drinking Water	
		in First Nations' Communities.	
		Hon. Gerry St. Germain	247
		Notice of Motion Requesting Government Response to Study	
		on Involvement of Aboriginal Communities and Businesses	
		in Economic Development Activities.	
		Hon. Gerry St. Germain	247
		Notice of Motion to Authorize Committee to Permit	
		Electronic Coverage.	
		Hon. Gerry St. Germain	247
		Notice of Motion to Authorize Committee to Study Federal	
		Government Responsibilities to First Nations, Inuit	
		and Métis Peoples.	
		Hon. Gerry St. Germain	247
		Notice of Motion to Authorize Committee to Engage Services.	
		Hon. Gerry St. Germain	248
		Human Rights	
		Notice of Motion to Authorize Committee to Engage Services.	
		Hon. A. Raynell Andreychuk	248
		Notice of Motion to Authorize Committee to Permit	
		Electronic Coverage.	
		Hon. A. Raynell Andreychuk	248
		Notice of Motion to Authorize Committee to Study Issues	
		Related to National and International Human Rights Obligations	
		and Refer Papers and Evidence from Previous Sessions.	
		Hon. A. Raynell Andreychuk	248
		Notice of Motion to Authorize Committee to Study International	
		Obligations Regarding Children's Rights and Freedoms and	
		Refer Papers and Evidence from Previous Sessions.	
		Hon. A. Raynell Andreychuk	248
		Notice of Motion to Authorize Committee to Study Cases of	
		Alleged Discrimination in Hiring and Promotion Practices and	
		Employment Equity for Minority Groups in Federal Public Service	
		and Refer Papers and Evidence from Previous Sessions.	
		Hon. A. Raynell Andreychuk	248
		Notice of Motion to Authorize Committee to Study Legal Issues	
		Affecting On-Reserve Matrimonial Real Property on Breakdown	
		of Marriage or Common Law Relationship and Refer Papers	
		and Evidence from Previous Sessions.	
		Hon. A. Raynell Andreychuk	248
		Official Languages	
		Notice of Motion to Authorize Committee to Engage Services.	
		Hon. Maria Chaput	249
		Notice of Motion to Authorize Committee to Permit Electronic	
		Coverage.	
		Hon. Maria Chaput	249
		Rules, Procedures and the Rights of Parliament	
		Second Report of Committee Presented.	
		Hon. Wilbert J. Keon	243

	PAGE
Notice of Motion to Authorize Committee to Study Official Languages Act and Refer Papers and Evidence from Previous Session.	
Hon. Maria Chaput	249

Rules, Procedures and the Rights of Parliament	
Notice of Motion to Study Application of the <i>Charter of Rights and Freedoms</i> as it Applies to the Senate	
Hon. A. Raynell Andreychuk	249

QUESTION PERIOD

Justice	
Amendments to Comply with United Nations International Convention of the Rights of the Child.	
Hon. Céline Hervieux-Payette	249
Hon. Marjory LeBreton	250

Human Resources and Social Development	
Organization on Rights of Children.	
Hon. Céline Hervieux-Payette	250
Hon. Marjory LeBreton	250
National Children's Commissioner.	
Hon. Jim Munson	250
Hon. Marjory LeBreton	250

National Defence	
Afghanistan—Treatment of Juvenile Detainees.	
Hon. Roméo Antonius Dallaire	251
Hon. Marjory LeBreton	251

Human Resources and Social Development	
Study on Child Care and Early Childhood Development—Report of Social Affairs, Science and Technology Committee.	
Hon. Marilyn Trenholme Counsell.	251
Hon. Marjory LeBreton	251

Finance	
Atlantic Accord—Offshore Oil and Gas Revenues—Cancellation of Briefing.	
Hon. James S. Cowan.	252
Hon. Marjory LeBreton	252
Hon. Jane Cordy	252

Public Safety	
Border Services Agency—Crossing Delays.	
Hon. Jeremiah S. Grafstein	252
Hon. Marjory LeBreton	253

Foreign Affairs	
Licences Issued for Removal of Bulk Water.	
Hon. Pat Carney	253
Hon. Marjory LeBreton	253

Delayed Answers to Oral Questions	
Hon. Gerald J. Comeau	254

Speech from the Throne	
Measure to Address Aboriginal Land Claims.	
Question by Senator St. Germain.	
Hon. Gerald J. Comeau (Delayed Answer)	254

Public Safety	
Enforcement of Regulations Regarding Food Imports.	
Question by Senator Milne.	
Hon. Gerald J. Comeau (Delayed Answer)	254

Fisheries and Oceans	
Granting of Licences to Mid-water Trawlers to Fish Herring in Gulf of St. Lawrence.	
Question by Senator Hubley.	
Hon. Gerald J. Comeau (Delayed Answer)	254

ORDERS OF THE DAY

Canada-United States Tax Convention Act, 1984 (Bill S-2)	
Bill to Amend—Third Reading—Debate Adjourned.	
Hon. W. David Angus	255
Hon. Claudette Tardif	256

Public Service Employment Act (Bill S-219)	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Pierrette Ringuette	256

Heritage Lighthouse Protection Bill (Bill S-215)	
Second Reading—Debate Continued.	
Hon. Lowell Murray	257
Hon. Gerald J. Comeau	257
Hon. Tommy Banks	257
Hon. Pat Carney	257
Hon. Consiglio Di Nino	259

Kelowna Accord Implementation Bill (Bill C-292)	
Second Reading Order Stands.	
Hon. James S. Cowan.	259
Hon. Terry Stratton	259

Development Assistance Accountability Bill (Bill C-293)	
Second Reading Order Stands.	
Hon. Claudette Tardif	260
Hon. Gerald J. Comeau	260
Hon. Fernand Robichaud	260

Scrutiny of Regulations	
First Report of Joint Committee Adopted.	
Hon. J. Trevor Eyton	260

The Senate	
Motion to Urge Government to Update Phosphorus Concentration Regulations—Debate Continued.	
Hon. Claudette Tardif	261

National Security and Defence	
Committee Authorized to Permit Electronic Coverage.	
Hon. Colin Kenny	261
Committee Authorized to Engage Services.	
Hon. Colin Kenny	261
Committee Authorized to Continue Study on National Security Policy and Refer Papers and Evidence from Previous Parliaments.	
Hon. Colin Kenny	261
Committee Authorized to Study Veterans' Services and Benefits, Commemorative Activities and Charter.	
Hon. Colin Kenny	261

Banking, Trade and Commerce	
Committee Authorized to Engage Services.	
Hon. W. David Angus	261
Committee Authorized to Study Issues Dealing with Interprovincial Barriers to Trade and Refer Papers and Evidence from Previous Session.	
Hon. W. David Angus	262

	PAGE
Committee Authorized to Permit Electronic Coverage.	
Hon. W. David Angus	262
Committee Authorized to Study Present State of Domestic and International Financial System and Refer Papers and Evidence from Previous Session.	
Hon. W. David Angus	262
Legal and Constitutional Affairs	
Committee Authorized to Engage Services.	
Hon. Joan Fraser	262
Committee Authorized to Permit Electronic Coverage.	
Hon. Joan Fraser	262
Committee Authorized to Study Including in Legislation Non-derogation Clauses Relating to Aboriginal Treaty Rights and Refer Papers and Evidence from Previous Sessions.	
Hon. Joan Fraser	263
Social Affairs, Science and Technology	
Committee Authorized to Study State of Early Learning and Child Care and Refer Papers and Evidence from Previous Session.	
Hon. Art Eggleton	263
Committee Authorized to Study Impact and Effects of Social Determinants of Health and Refer Papers and Evidence from Previous Session.	
Hon. Art Eggleton	263

	PAGE
Committee Authorized to Study Current Social Issues of Large Cities and Refer Papers and Evidence from Previous Session.	
Hon. Art Eggleton	263
Agriculture and Forestry	
Committee Authorized to Study Present State and Future of Agriculture and Forestry and Refer Papers and Evidence from Previous Session.	
Hon. Leonard J. Gustafson	264
Committee Authorized to Study Rural Poverty and Refer Papers and Evidence from Previous Session.	
Hon. Leonard J. Gustafson	264
Committee Authorized to Engage Services.	
Hon. Leonard J. Gustafson	264
Committee Authorized to Permit Electronic Coverage.	
Hon. Leonard J. Gustafson	264
Foreign Affairs and International Trade	
Committee Authorized to Permit Electronic Coverage.	
Hon. Consiglio Di Nino	264
Committee Authorized to Engage Services.	
Hon. Consiglio Di Nino	265
Official Languages	
Committee Authorized to Study Official Languages Act and Refer Papers and Evidence from Previous Session.	
Hon. Maria Chaput	265



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



CA1
y1
D32



CANADA



Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 14

OFFICIAL REPORT
(HANSARD)

Wednesday, November 21, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, November 21, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

NINETEENTH COMMONWEALTH PARLIAMENTARY SEMINAR

Hon. Joan Fraser: Honourable senators, at the end of last month, I had the very great privilege to attend the 19th Commonwealth Parliamentary Seminar in Edinburgh, Scotland, to mark the 10th anniversary of the new Scottish Parliament.

Some 19 Commonwealth countries were represented, in addition to a number of provinces or states of various countries. Canada, for example, was represented not only by me, but also by Cliff Cullen, the MLA for Turtle Mountain, Manitoba, and Roy Boudreau, the MLA for Campbellton—Restigouche Centre, New Brunswick.

Mr. Boudreau was the Deputy Speaker of the Legislative Assembly when he arrived in Edinburgh, but while we were there, he was informed that he was going to become the Speaker of the Legislative Assembly. It was cause for celebration, and I would like to extend my congratulations to him again here.

It was a very full week.

[English]

We had sessions on many different aspects of parliamentary life, far too many to recount here, but I will arbitrarily mention a few of the lessons that might be useful. In the Parliament of Scotland, all bills are scrutinized in committee to check that they conform to equal opportunity rules — which is their phrase for human rights — and sustainable development policies. Also in Scotland, after first reading of a bill, a committee then studies that bill in principle before second reading is held in the main debating chamber, which is an interesting approach. Similarly, Westminster is increasingly doing pre-legislative studies of draft bills — another interesting approach.

• (1335)

Scotland has a children's commissioner, unlike Canada, and finds that office useful.

The Scottish Parliament sits not only in the capital of Edinburgh, but also has held full sittings of Parliament in Glasgow and Aberdeen. This is surely a wonderful way to bring Parliament to the regions of the country, and I think we should do the same thing.

My notes on this next point are not totally clear but it is either Westminster or the Scottish electoral system that gives parties one free mailing for every voter per electoral campaign. I think that is a brilliant idea.

We learned quite a lot about Scotland. I suppose one of the most interesting things about Scotland for Canadians is that the party in power is the Scottish National Party. The SNP seeks independence for Scotland and plans to hold a referendum on independence in its current mandate — familiar words to those of us from Quebec. Also familiar to us is the fact that only about 25 per cent of the Scottish people say they support independence for Scotland.

We saw many historic, cultural and scientific sites. We had the privilege of a fantastic dinner in Glasgow City Hall, which is the most extraordinary 19th century building I have seen in a long time. I urge a visit if anybody is in Glasgow.

NATIONAL CHILD DAY

Hon. Sharon Carstairs: Honourable senators, November 20 marks the adoption of the United Nations Convention on the Rights of the Child, which was ratified by Canada in 1991. In 1993, the Government of Canada enacted the Child Day Act, designating November 20 of each year as National Child Day in order to promote awareness of the convention, which spells out the basic human rights to which children everywhere are entitled.

The theme for National Child Day 2007 is "The Right to be Active". This theme encourages physical activity among all children, reflecting Canada's commitments under article 24 of the convention, which recognizes children's right to be healthy and their right to enjoy the highest attainable standard of health.

By ratifying this convention in 1991, Canada made a commitment to ensure that all children are treated with dignity and respect. This commitment includes that they be given the opportunity to have a voice, be protected from harm and be provided with their basic needs and every opportunity to reach their full potential. Providing a healthy, physically active lifestyle for children promotes healthy growth and development, better social development and increased self-confidence to pursue their goals for the future. In a society that has become increasingly sedentary and with skyrocketing rates of childhood obesity, it is important to embrace the right to be active, and to ensure that all our children have opportunities to engage in healthy physical activity to promote their healthy well-being and development.

This must not only be available for families who can afford to enrol their children in programs; it must be for all Canadian children.

COST OF POST-SECONDARY EDUCATION

Hon. Mira Spivak: Honourable senators, as with many of you, I recently met with the representatives of the Canadian Alliance of Student Associations and the Canadian Federation of Students. As the Canadian Federation of Students has well

documented, since 1976, this country has moved in the direction of higher tuition fees, in part because of lower transfer payments to the provinces. The average student debt now ranges from \$21,000 to \$28,000, depending on the province. The resulting hardship of this debt is the untold story of this generation.

• (1340)

The two main federal government responses to the student debt crisis — tax credits and the Millennium Scholarship Foundation — have failed to improve access to post-secondary education or to make a dent in student debt. The federation is now urging the government to replace the Millennium Scholarship Foundation with a \$2.1 billion grants program that will not increase federal spending. It also wants to see expanded eligibility criteria for the Debt Reduction in Repayment program, increased federal transfers to the provinces to reduce tuition fees, and greater support for Aboriginal students.

The Canadian Alliance of Student Associations suggests federal transfer funding for post-secondary education should be increased to a minimum level of \$4 billion in cash transfers annually and increased based on demographic growth. Federal taxes for federal transfer funding should be truly dedicated funding with goals and mechanisms developed to achieve the objectives. They would also like to see a holistic review of all student financial assistance programs.

The Canadian economy is booming. Unemployment is low, the dollar is high, and federal surpluses grow like Topsy. The government, in its mini-budget, deemed a \$6 billion cut in its GST revenue to be very affordable. It is time to address the long-standing hardships that most students and their families face as they acquire a post-secondary education. It is time to invest more in Canadians upon whom our future depends.

THE LATE HONOURABLE MAURICE RIEL, P.C., Q.C.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay belated tribute to the late Maurice Riel, who served as Speaker of the Senate for less than a year, from 1983-84, and who was the Speaker who inducted me into the Senate.

Maurice Riel was a distant relative of a controversial Canadian, Louis Riel, but Maurice was the least controversial of public men. He was an outstanding international lawyer who was respected in Canada and overseas, particularly in France where he was held in the highest regard. He was a great speaker, honourable senators, and a greater listener. He was elegant of dress, quiet of demeanour, a lover of good wines, a wonderful conversationalist and a delightful raconteur.

Maurice was an intellectual. We both shared a love of French authors — he in French and I, struggling, mostly in translation. We discussed Proust and, if you will forgive me, Baudelaire and de Maupassant, Sartre, Malraux, and especially Albert Camus, who was a particular favourite of his and mine. One day, in a rather long-winded speech, I quoted Albert Camus. After my speech, I received a note from Maurice delicately informing me that I had mispronounced “Camus.” “Camus” is spelled C-a-m-u-s. I had pronounced his name with a silent “s.” Maurice, ever the thoughtful linguist, believed that I should have pronounced the “s.” After an animated discussion, we agreed

that we would refer the question of appropriate pronunciation to a mutual friend of ours Maurice Druon. Druon was — and is — an outstanding French novelist who I had met when he spent some years studying at Glendon College in Toronto. He had hosted me in Paris at the Académie Française, the highest authority of French arts and letters. It turned out that Maurice knew him better than I, and it turned out that they were good friends.

We agreed to refer the matter to Druon for arbitration, as he was then, as now, the Secrétaire Perpetuel of Académie Française in Paris. A month or so later, he responded in writing and advised that “s” at the end of the surname Camus could be pronounced or not. For instance, Camus cognac is spelled the same way, but the “s” is pronounced. However, Druon felt that the better usage for Albert Camus’ name was with a silent “s” as he had come from Algeria and that was more common usage there.

I raise this, honourable senators, to show that Maurice was a most meticulous and honest man, both as an intellectual and as a man of deep culture. His wit and wisdom and the contributions he made here will be sorely missed. He was a man of honour, grace, intellect, idolism and probity. He believed in a strong, united Canada and, as a member of the Senate and as Speaker, he embellished and elevated the stature of all members of this chamber.

A Greek philosopher once said that one’s first duty is to be true to oneself. Maurice was true to himself, his party and country. *Pro partee, pro patria.* To our dear friend, you go to a better place. *Deo optimo maximo.* For God, the best and the greatest. *Nil no mortall tenemus, pectous exceptes ingenieque bonis.* We possess nothing in this world that is not mortal except the blessings of heart and mind. Thus let it be with our dear, departed friend Maurice. My condolences to his wife and family. *Requiescat in pace,* dear friend. Rest in peace.

• (1345)

THE HONOURABLE WILBERT J. KEON, O.C.

CONGRATULATIONS ON RECEIVING 2007 CHAMPION OF HEALTH RESEARCH AWARD

Hon. W. David Angus: Honourable senators, I rise today to congratulate and pay tribute to our esteemed and honourable colleague Senator Wilbert “Willie” Keon.

Hon. Senators: Hear, hear!

Senator Angus: Senator Willie received last evening the 2007 Champion of Health Research award as part of this year’s Canadian Institutes of Health Research (CIHR) awards ceremony held at the National Gallery of Canada. This prestigious awards gala, the sixth annual, is organized by CIHR in collaboration with the Health Charities Coalition of Canada, Research Canada, and other Canadian health research organizations to honour and recognize Canada’s best and brightest health researchers.

Honourable senators, this is certainly not the first major honour to be bestowed upon our colleague Dr. Keon. He was a recent inductee, for example, to the Canadian Medical Hall of

Fame and his outstanding record as a world-class heart surgeon and as the moving spirit behind the Ottawa Health Institute is well known, indeed as are the facts that he has set up Canada's largest artificial heart development program and is the author and co-author of numerous major reports on Canada's health care system, including, through the Standing Senate Committee on Social Affairs, Science and Technology, on the plight of Canadians who suffer from chronic mental illness.

Indeed, I am confident that none of us in this chamber doubts that our distinguished colleague qualifies in all respects as one of the best and brightest in the nation. However, honourable senators, what is not so well known is that in his own quiet, diplomatic and yet persistent and efficient way, Senator Keon has been working tirelessly to advance the government's, his party's, policy of advancing innovation and research in the life sciences and on facilitating the commercialization, from bench to bedside to market, of the breakthrough discoveries made through health research in Canada.

Honourable senators, let us salute Senator Keon. He is indeed our champion, our champion of health research.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

SPEAKER'S VISIT TO POLAND, SLOVAKIA, AND AUSTRIA

JUNE 25-JULY 4, 2007—REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I have the honour to table a document entitled *Visit Report to Poland, Slovakia and Austria, June 25 to July 4, 2007*.

[Translation]

SPEAKER'S VISIT TO UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND REPUBLIC OF IRELAND

MAY 18-26, 2007—REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4), I have the honour of tabling a document entitled *Visit Report to the United Kingdom of Great Britain and Northern Ireland and to the Republic of Ireland, May 18 to 26, 2007*.

[English]

AGING

REPORT OF SPECIAL COMMITTEE
PURSUANT TO RULE 104 TABLED

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Aging, which

outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 165.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

REPORT OF COMMITTEE PURSUANT
TO RULE 104 TABLED

Hon. George J. Furey: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Internal Economy, Budgets and Administration. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 166.)

[Translation]

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE
ON NOVEMBER 27, 2007—NOTICE OF MOTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded no later than Tuesday, November 27, 2007.

• (1350)

[English]

DONKIN COAL BLOCK DEVELOPMENT OPPORTUNITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BUREAU MEETING AND ORDINARY SESSION,
JULY 2-6, 2007—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation in the Bureau Meeting and thirty-third Ordinary Session of the Assemblée parlementaire de la Francophonie (APF), held in Libreville, Gabon, from July 2 to 6, 2007.

[English]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with Rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and

That the committee report to the Senate no later than June 30, 2009.

[Translation]

ARTHRITIS

NOTICE OF INQUIRY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(2), I give notice that two days hence, I shall call the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.

[English]

QUESTION PERIOD

INDUSTRY

TAKEOVERS BY FOREIGN STATE-OWNED ENTERPRISES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I read in *The Globe and Mail* today that Industry Minister Jim Prentice announced a \$5-billion deal for Calgary-based PrimeWest Energy Trust, which unit holders are expected to approve today, and which was deemed a net benefit to Canada. I have to ask: Who is the buyer?

The Abu Dhabi National Energy Company, TAQA has made three acquisitions in Canada totalling CAN. \$7.5 billion and it has \$20 billion to deploy on acquisitions and increased production in Canada. Based on its three deals to date, TAQA North Ltd., as the Calgary-based subsidiary is called, would rank in the top 10 Canadian producers of natural gas and among the top 12 in production of gas and oil. TAQA is 75-per-cent controlled by the government of the oil-rich emirate, while 24 per cent of its shares trade on the Abu Dhabi securities market, which is open only to residents.

• (1355)

Increasingly, state-owned companies from China, the Middle East and Russia are becoming active players on the world stage. They are being joined by cash-rich sovereign wealth funds from these countries, and now from Abu Dhabi.

These foreign companies are not ordinary, privately owned companies; rather, they are owned by a foreign treasury, by a foreign country. These foreign companies are depleting our own resources while saving their own.

My question for the Leader of the Government in the Senate is as follows: When will our government stop this fire sale of our non-renewable resources, thereby allowing foreign companies to deplete our resources while keeping their own?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Our government wants to strike the right balance, to ensure we reap the benefit of foreign investment while at the same time safeguarding the interests of Canadians. As the Honourable Jim Prentice, the Minister of Industry, has stated many times, our government will examine the need for guidelines on takeovers by state-owned enterprises. We are also planning to carefully consider an explicit national security test that will be applied to foreign investment.

However, as Senator Hervieux-Payette mentioned in her question, transactions already under way will proceed under the current legislation. However, Minister Prentice is seized of this issue of state-owned enterprises and will address it in the proper course of time.

Senator Hervieux-Payette: In English, this is called a “double-whammy” — because PrimeWest was an income trust company. Its shares or units at the beginning of 2006 were valued at \$38.14. Today, they are valued at \$26.65. Each shareholder has lost \$12, which is why I used the term “fire sale.” At the same time, the Minister of Industry is authorizing these sales to foreign state-owned companies. Ordinary companies cannot compete with such companies. Perhaps the Leader of the Government in the Senate should suggest to the government that the Minister of Industry is not leading our country in the proper direction and that he ought to be retired to the back bench.

Senator LeBreton: In a follow-up to Budget 2007, last July the government announced the creation of a Competition Policy Review Panel. The core mandate of the review panel will be to review the Competition Act and the Investment Canada Act and report to the minister by next June.

I understand the concerns about state-owned enterprises. However, in May, Statistics Canada reported that, in 2006, Canada attracted more foreign direct investment than in the previous year. Canadian direct foreign investment abroad totalled \$523 billion, about \$75 billion more than foreigners owned in Canadian assets.

Senator Hervieux-Payette: I have a final, short question. How many of these companies or investments abroad were bought by the Canadian government?

Senator LeBreton: The honourable senator is going at the issue of state-owned enterprises in a different direction. The statistics I used were for Canadian-owned companies. I do not believe any of them are owned by the Canadian government, but I shall take that question as notice.

LOBBYING—IMPLEMENTATION OF FEDERAL ACCOUNTABILITY ACT PROVISIONS

Hon. Robert W. Peterson: My question is for the Leader of the Government in the Senate. Prime Minister Harper was unequivocal with regard to the Federal Accountability Act — the first piece of legislation introduced by the minority Conservative government, last December 12. The Prime Minister told party workers to get out immediately if they could not live with strict lobbying rules. Did anyone leave? I do not think so.

• (1400)

Why, you might ask?

The bill received Royal Assent last December 12, yet the regulations regarding lobbyists remain under review and have not yet come into force. The revolving door between the Conservative government and the lobbying industry goes around and around. In spite of all of the government's huffing and puffing about accountability, it is very hypocritical.

Does the government have any intention of bringing these regulations into force and, if so, when?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As honourable senators know, Bill C-2, was the first piece of legislation brought in by our government and was held up for almost one year. It is a very comprehensive and far reaching piece of legislation.

The government is working on all aspects of the regulations that have not yet been made public. The honourable senator is quite incorrect when he says that the lobbying business is a revolving door. He knows that is not the case.

This government takes the issue of accountability to the Canadian taxpayer very seriously. We have changed significantly the culture around this city and this country in regard to lobbyists' access to our government. I am happy and proud to be part of a government that has taken such tough action.

Senator Peterson: With all due respect, I read the other day that a lobbyist who was praising the government has left that firm and is now working for the PMO.

Senator LeBreton: I believe that the honourable senator is again incorrect. I am not sure of the individual he is speaking of, but the intent of the Accountability Act was to prevent people who have been part of government from leaving their positions in government to directly join a lobbying firm, using information to which they were privy to benefit their personal lobbying careers. That is the intent of the act, as the honourable senator knows.

[Translation]

NATIONAL DEFENCE

POLICY ON BILINGUALISM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the new strategic action plan for official languages of the Department of National Defence and the Canadian Armed Forces could cause bilingualism to decrease within the Canadian Armed Forces. A number of concerns about this have been raised in recent weeks. As my colleague, Senator Chaput, said last week in this chamber, the Canadian Armed Forces have been ignoring the Official Languages Act and getting away with it for far too long. It goes without saying that I completely agree with that statement.

I would like to ask the minister what measures her government will take to ensure that the Minister of National Defence finally complies with the Official Languages Act.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in the Speech from the Throne, our government stated very clearly that we will develop a strategy for the next phase of an action plan for official languages. The government plans to build on that action plan, as illustrated by the commitment of \$30 million over two years which was made in Budget 2007, earlier this year.

[Translation]

Senator Tardif: I did not know that there was a military component in the action plan for official languages. I would be very happy to hear that.

The newspapers have recently been reporting that some soldiers currently in Afghanistan have been calling for more bilingualism among new officers, because they realize that in combat, a good understanding of orders is very important. It is a matter of life or death. Do you not think the soldiers' comments mean that there is a significant decrease the bilingualism in our armed forces and that the government's policy is clearly inadequate?

• (1405)

[English]

Senator LeBreton: I hate to point out to Senator Tardif that her government cancelled the program at the military college in Saint-Jean, where francophone officers were trained. When we talk about an action plan for official languages, obviously it includes our Armed Forces; I could not agree more with the honourable senator. Currently, there is room for improvement

with respect to the Royal 22nd Regiment — the Van Doos — in theatre in Afghanistan. The government is committed to improving the official languages in this country and, as the honourable senator is well aware, has made quantum leaps forward in improving Canada's military.

Hon. Roméo Antonius Dallaire: Honourable senators, that is an inappropriate response, in as much as the state of language in the field has been significantly reduced. The new policy does not call for orders given to troops in the face of the enemy to be in the language of the troops. Rather, orders are still given to the troops in the language of the officer. We went through two world wars under such conditions and said that we would never let that happen again. The new policy is that officers, particularly of the English language, must be able to give orders in French. May I impose upon the leader to go into the entrails of that new policy and confirm whether it literally reduces the presence of anglophone officers with an ability in the French language?

Senator LeBreton: Honourable senators, Senator Dallaire should know more than I on this subject because he was in the military. The state of the military at all levels, from officers on down, deteriorated significantly under the previous government. This government is well aware and very proud of our forces in Afghanistan.

I once mentioned in this place that when I was a youngster I looked up to the Van Doos, as they are known. The government is working with the military and the Official Languages Act. The testimony from the Chief of Defence Staff and others indicates that they recognize the issue and are working hard to make significant improvements, including an announcement by the government to re-open the program at the military college at Saint-Jean.

[Translation]

Senator Dallaire: Honourable senators, the decision to close the Collège militaire royal de Saint-Jean was particularly ill-advised. I applaud Minister O'Connor's decision to reopen it, and I do wonder why you fired him. I hope that reopening the college is not another of the disingenuous things that seem to be coming out of that department.

There is a new policy, which has been in force for less than a year, that makes it harder for anglophones to get second-language training and, as a result, limits their ability to command troops in the field. That will reduce the presence of anglophone officers in the field because they will have limited access to French training. I think that this policy should be reviewed because it puts soldiers' lives in danger.

• (1410)

[English]

Senator LeBreton: Honourable senators, there is no question that it is legitimate and desirable to have all senior ranking officers speak both official languages. Chief of Defence Staff, Rick Hillier, is fluently bilingual. To my very untrained ear, he is bilingual. I have seen him conduct interviews in French.

In any event, I am glad the honourable senator at least commended this government for its actions with respect to the military college at Saint-Jean-sur-Richelieu. I can assure Senator Dallaire that this government, in making a commitment such as that, believes in living up to it.

FOREIGN AFFAIRS

PRINCE EDWARD ISLAND—PASSPORT OFFICE

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate.

Passport Canada stated that, as of yesterday, the wait time to process a mail-in application is six weeks plus delivery. Through Service Canada or Canada Post, the wait time is about five weeks. Anyone requiring a passport in less time has to make an urgent or an express application. That application has to be made in person at a passport office. However, if one lives on Prince Edward Island, there is no passport office.

Some Hon. Senators: Shame!

Senator Callbeck: Therefore, Islanders have to travel to Halifax or Fredericton. There have been repeated requests for a passport office in my province. Premier Ghiz has been calling for it and ensured that it was included in a resolution concerning the Western Hemisphere Travel Initiative at the Conference of the New England Governors and the Eastern Canadian Premiers this past summer in New England. Our members of Parliament have been advocating for it.

Earlier this month, the P.E.I. Federation of Labour passed a resolution at its annual meeting. Does this Conservative government have any plans to open a passport office in Prince Edward Island?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am well aware of the concerns, and Senator Callbeck has expressed them in the Senate previously, as to the lack of accessibility for Islanders to a passport office.

I do not know the answer to Senator Callbeck's question; I shall take her question as notice.

However, I hasten to add that we have vastly improved the service of obtaining passports. Unfortunately, there is the ebb and flow of demand, and we are coming up to the end of the year travel season. In addition, given the strength of the Canadian dollar, more people wish to travel abroad, especially to the United States, and this creates pressure on passport offices.

With regard to the honourable senator's specific question about Prince Edward Island, I shall be happy to take it as notice.

Senator Callbeck: I would hope that the honourable minister will impress upon her colleagues how inconvenient and costly it is for Islanders to apply for an urgent or express application. In fact, we are the only province in Canada that does not have an office. Islanders have to travel to Halifax or Fredericton, the cost of which includes gas, bridge tolls, overnight accommodation, meals and, in some cases, two days off work without pay, all in addition to the passport fees themselves. The process is costly and inconvenient.

My question is this: Does this Conservative government not believe Prince Edward Island should have access to Government of Canada services like other provinces?

Senator LeBreton: I could not help but wonder while the honourable senator was asking her question whether we closed the passport office in Prince Edward Island? I do not think so.

I well appreciate the inconvenience to Islanders, and I will be very happy to take Senator Callbeck's concerns, which are legitimate concerns, to my cabinet colleagues.

Some Hon. Senators: Shame!

PRIME MINISTER'S OFFICE

CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, I want to talk a little bit about the Mulroney-Schreiber-Harper affair. One might call it a cover-up.

When one scrapes away all the toing and froing around this issue, one essential core theme emerges, and that is the unrelenting conclusion that — call it what the Leader of the Government in the Senate might call it — there was a cover-up in the Prime Minister's Office.

• (1415)

How can Canadians conclude anything other than a cover-up when Prime Minister Harper refuses to specify for this inquiry that his office, his seven-month delay and his alleged and obvious inability to read his own mail will be excluded from the terms of reference?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Mitchell is quite wrong. The Prime Minister and the government have tasked Professor Johnston to draw up the terms of reference. There have been no restrictions. The matter is completely in his hands. The government is obligated to follow his recommendations. The situation regarding the Prime Minister's correspondence, as any reasonable person on the other side who was in government will know, is that the process regarding correspondence in the Privy Council office was followed, as they explained publicly many times. When Senator Mitchell asks, "How can anyone believe that?" the Canadian public knows this has nothing to do with this government, which has been borne out by several opinion surveys in the last week.

DEPORTATION OF KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, unlike the Leader of the Government in the Senate, the Canadian public understands exactly what is happening, and they particularly understand when looking at the fact that this government has not stepped in to stop Mr. Schreiber's deportation. Why has the Prime Minister not stopped or been explicit about the deportation? Is it because the Prime Minister fears something will come out that will tarnish him, his government and many of the people around him and Mr. Mulroney at the same time?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Mitchell does not know what he is talking about. As the honourable senator knows, this is a matter before the courts. A couple of years ago, when the question of extradition of the infamous Holocaust denier Ernst Zündel was before us, the Liberal Leaders of the Government in the Senate, at the time, first Senator Carstairs and then our former colleague Senator Austin, responded repeatedly that there was a process in place for extradition that must be followed, and they were quite right. For example, Senator Austin said, "The Zündel case is before the courts and that judicial process must be allowed to continue. There must be no ministerial or political interference while the courts have that issue before them." I could say the same for the Schreiber case. It is as true today as it was then.

Senator Mitchell: I know the Leader of the Government in the Senate hates this thing called judge-made law, but for once the judges in this case have decided not to make the law. Are the leader and the Prime Minister aware of what the Court of Queen's Bench in Ontario said this week? It said, "It is not a legal decision. It is a political decision as to whether or not Mr. Schreiber stays and the politicians should make that decision." Prime Minister Harper is making that decision. He has decided not to stop the deportation because he is afraid to have Mr. Schreiber testify under oath, which he himself should do.

Senator LeBreton: Senator Mitchell is wrong again. We had a senator the other day providing us with little limericks. I have one today: Liberal is your name; smear is your game.

Hon. Sharon Carstairs: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate, because of course she used my name a few minutes ago. The circumstances were considerably different; does the honourable senator not agree?

• (1420)

The question that was posed to me was: "Why is Mr. Schreiber still in this country?" My answer to that question was that the process with respect to extradition must be followed.

We now have a situation where it is paramount to Canada that Mr. Schreiber remain here. Surely, the Leader of the Government in the Senate understands the difference between an extradition procedure which is followed to meet the needs of a foreign country and an extradition procedure which now must be, quite frankly, curtailed because it meets our needs.

Senator LeBreton: Honourable senators, extradition is extradition, and the same laws apply. These matters are before the courts, and this particular matter has been before the courts for some number of years. As a matter of fact, the Minister of Justice of the previous government signed the extradition some five or six years ago. However, the fact is that this matter is before the courts and there is nothing more to be said.

I repeat: All of this Schreiber-Mulroney business happened many years ago and has absolutely nothing to do with this government. All honourable senators know it, everyone in the country knows it, and, furthermore, the Canadian public knows it.

FOREIGN AFFAIRS

DEVELOPMENT ASSISTANCE ACCOUNTABILITY
BILL—LEGISLATIVE PROGRESS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with the leaders duties and seems to be a question of loyalty.

I wish to query specifically the fact that Mr. Harper, two years ago, was quite adamant in advancing the international development side of the House into the realm of meeting the UN Millennium Development Goals, particularly, poverty reduction, and even wrote to the Prime Minister at the time, Mr. Martin, to get on with it and move that agenda.

My sort of fifth columnist intelligence network has been telling me that there has been a deliberate decision to stall the advancement of Bill C-293 to committee. That deliberate stalling is, to me, quite contrary to what her leader wants to happen, which is to get some of these new procedures in and advance CIDA into the realm of meeting the goals.

Could the leader confirm that she is giving direction that this bill not be responded to when we get it into committee?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what is wrong with the air in this place. I do not know where the honourable senator gets these things. I get the same amount of email from the Canadian public on Bill C-293. The honourable senator is absolutely wrong when he says that we are taking actions to stall the bill. It is false, and saying it in this place does not make it more true. It is false.

Senator Dallaire: I thank the minister for that clarification. That means that those responsible for advancing the bill either do not want to bring it forward or are not being totally transparent in how they are able to manoeuvre such a bill from her side of the house into committee.

Is it possible that we are misinterpreting the senator responsible for advancing that bill as to what he sees his role to be?

Senator LeBreton: Well, as the honourable senator knows, many bills are before this place, and far be it from me to try to ascertain the process that is followed for each one. However, Senator Dallaire is quite wrong, as I said. Neither the government nor I have made any effort to interfere in any way with any bill that is before this place or the other place.

• (1425)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING DEBATE—CORRECTION

Hon. Pat Carney: Honourable senators, I rise on a point of order to clarify and correct two errors that were raised in debate yesterday on Bill S-215.

There was some debate from the Deputy Leader of the Government about whether the minister responsible was Environment Minister Ambrose or Baird. I want to say that,

for the record, the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

I also want to show for the record that I erred in stating that the Minister of Heritage was responsible for this bill. In the seven-year passage of this legislation, the responsibility for national historic sites and monuments has been passed from Heritage to Parks Canada. The minister responsible for Parks Canada is the Minister of the Environment, not Heritage and, therefore, the record should show that the one responsible is the Minister of the Environment; the other one involves the Minister of Fisheries and Oceans. The record should show that I have letters of support in principle from those two ministers.

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Brown, for the third reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).
—(Honourable Senator Tardif)

Hon. Maria Chaput: Honourable senators, I rise today at the second reading stage of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

With his characteristic concision, precision and considerable expertise, my honourable colleague, Senator Oliver, outlined a number of items from this bill that will lead to technical amendments to the Criminal Code. My speech will focus primarily on those amendments that relate to official languages. Bill C-13 would have a positive impact in that regard, because it advances the status and equality of both official languages, as advocated by the Canadian Charter of Rights and Freedoms.

The purpose of Bill C-13 is to protect Canadians by improving the efficiency of many elements of the Criminal Code and eliminating certain ambiguities that could create confusion and inefficiency. Overall, the bill targets three main areas: criminal procedure, language of the accused and sentencing, along with a number of technical amendments to the Criminal Code meant to update it and make it more efficient.

Honourable senators, the fight against crime requires a modern and efficient penal justice system. Accordingly, the Minister of Justice and the Attorney General of Canada must work in partnership with provincial and territorial counterparts in order to ensure the effectiveness and accessibility of the Canadian justice system.

In his speech to the Canadian Bar Association on August 14, 2006, the Attorney General of Canada at the time, the Honourable Vic Toews, said:

In my view, the Government of Canada and the legal profession have a shared interest in a justice system that is accountable, efficient, accessible and responsive.

First of all, the bill proposes several amendments that aim to bring greater concision to a document that plays a central role in Canada's justice system. This in no way diminishes their importance, since we can only benefit from creating a clearer and more understandable document by rectifying certain shortcomings.

• (1430)

I would like to quickly highlight the proposed amendments, which fall within three major areas.

With regard to the amendments respecting criminal procedure, I would like to briefly look at section 351(1), which deals with possession of a break-in instrument, a criminal offence under the Criminal Code. It will become a dual procedure offence when Bill C-13 is passed. This will make the legal process more effective by avoiding duplication. With this amendment, the department will be able, in certain circumstances, following an indictable offence, to proceed by summary conviction for both offences.

With regard to changes in sentencing, Bill C-13 indicates that the Criminal Code of Canada will be updated to reflect the realities of Canadian society in the 21st Century by providing a more efficient and modern framework for the operation of the courts. For example, section 720(1) will provide for, with the consent of the Attorney General and the offender, delayed sentencing to enable the offender to attend a treatment program such as an addiction treatment program or other program meeting the specific needs of the individual. The Criminal Code formally recognizes the needs of the individual while endeavouring to protect society.

The highlight of this bill is that it makes amendments to provisions of the Criminal Code relating to linguistic rights. The Criminal Code is one of the most powerful tools of the Canadian state as it has the power to impose sentences, one of the most serious sanctions that may be imposed on a citizen. Therefore, it goes without saying that the citizen should be able to choose the official language for the criminal trial.

Similarly, when dealing with linguistic rights in the legal domain, we must always remember that section 19 of the Canadian Charter of Rights and Freedoms states:

(1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Honourable senators, access to justice in the official language of one's choice is a fundamental principle in Canada that should never be cast aside.

Let us come back to the Criminal Code, which gives the accused the right to stand trial in the official language of their choice. Section 530.1 sets out a series of corollary rights and obligations that apply when an order is made for an accused person to be tried in the official language of their choice.

On application by an accused whose language is one of the official languages of Canada made not later than:

Therefore, the accused could request services in either of the official languages.

(a) the time when the case is set down for trial,

(b) the time of his election,

(c) the time when the accused is ordered to stand trial

Thus, accused persons may use the official language of their choice when they stand trial in Canada.

What is more, some changes were taken into consideration in Bill C-13 in order to eliminate any ambiguity and ensure that the accused has access to the services to which he is entitled.

One of these changes in Bill C-13 is the guarantee that the accused will be informed of his official languages rights by a judge. This requirement will benefit those who wish to obtain services in the official language of their choice, but do not have comprehensive knowledge of their linguistic rights in the Canadian legal system.

Rénald Rémillard, from the Fédération des associations de juristes d'expression française in Manitoba, explains the importance of this initiative in the context of the courts:

This bill and, in particular, the obligation it imposes on judges . . . to ensure that the accused (represented or not) is informed of his right to stand trial in the official language of his choice, respects the principle of active offer of services, with regard to official languages.

In a context as intimidating as a criminal trial, the person in a position of power, the judge, must make the active offer.

The Federation of Associations of French-speaking Jurists of Common Law (FAJEF) was particularly interested in Bill C-13. The organization's president, Louise Aucoin, appeared before the House of Commons Standing Committee on Justice and Human Rights on Thursday, May 3, 2007. During her testimony, Ms. Aucoin recommended four amendments, three of which were accepted and are now part of Bill C-13. The purpose of the amendments is to improve the flexibility of the services provided and the availability of official languages in Canadian courts.

Louise Aucoin's fourth recommendation was to amend section 503(3) of the Criminal Code to provide for transferring criminal charges and indictments without having to renew the application. That recommendation was not accepted and is not part of Bill C-13.

The Commissioner of Official Languages, Graham Fraser, agreed with Ms. Aucoin when he said:

I think this is a case where, if this right is to be guaranteed, it should be at the beginning of the process rather than something that somebody has to keep on asking for at every step.

Unfortunately, Bill C-13 does not include that amendment.

The amendments proposed in Bill C-13 will make the legal process available in both official languages. However, should that right not apply beyond the courts? We have to consider the next step.

During her testimony on May 3, 2007, Ms. Aucoin clearly explained the next step to be taken with respect to language rights and the law:

... it is important that language rights at trial also extend, hopefully in the near future, to all of the procedures incidental to a trial and to other forms of inquiry and hearing under the Criminal Code, such as an application for variation in a probation or conditional sentence order, a dangerous offender application, or an application for judicial review.

As the president of FAJEF suggested, this bill is a step in the right direction for language rights in the legal field. But there is still work to be done when it comes to achieving equality between the official languages.

Honourable senators, it is difficult to criticize a bill that is headed toward progress. An effective, modern and responsible Criminal Code can only contribute to a reliable legal system. The power of the judiciary in Canadian society is undeniable, and must completely reflect the nature of Canada's two official languages.

Therefore, I would ask that Bill C-13 be referred to a Senate committee as soon as possible.

[English]

Hon. George Baker: Honourable senators, I wish to put on the record a concern I have about this bill that has not been noted by the House of Commons, and this perhaps illustrates more than anything why the sober second thought of the Senate is needed, even on legislation which appears to be simply legislation that does not really break any new ground in anything.

I am not suggesting that anything that the minister or that Senator Oliver have said is incorrect. They have clearly outlined what is in the bill. Senator Chaput has outlined correctly the major areas of concern that we would have in this place, primarily about the language of choice of the accused and in which of our official languages a trial and preliminary hearing would take place. Therein lies the problem.

Before I get to what I want to note in regard to this bill, I would put on the record that, having served 30 years in the other place and seen legislation evolve relating to the language rights of the accused in courts throughout this land, there has been, in my opinion, a major issue, which has been highlighted by Senator Chaput, who has just spoken.

• (1440)

We cannot discuss New Brunswick when we discuss the contents of section 530 of the Criminal Code, because the province of New Brunswick has, within the Canadian Charter of Rights and Freedoms, the guarantee, at every stage in the courts, for the proceedings to be in the language of choice of the accused, choosing between English and French. That guarantee is enshrined in law in six different sections of the Charter. This bill excludes, as honourable senators will notice, the province of New Brunswick. When it comes to amending section 530, the bill excludes the province of New Brunswick.

Honourable senators, there is a problem with the bill. The bill is an improvement over the existing circumstances — there is no doubt about that, and Senator Oliver is right on this — because it has two new provisions, as Senator Chaput has said. The bill provides that an accused will be informed, at his or her first appearance before the court, as to his or her right to be tried in one of the two official languages.

In other words, upon arrest, when an individual is first brought before a judge, a date is set for plea, and it is at that point that the person will be informed of that right with the passage of the bill. Presently, in section 530 of the Criminal Code, only the unrepresented accused is informed of that right, the assumption being made that "Professor" Oliver, when he was a professor of law, had instructed the lawyers properly and they knew what the law was. That assumption has now been withdrawn and it now becomes mandatory for the judge, at the first appearance of the accused — that is, when a date is set for plea — to tell the accused that he or she has the right to be tried in one of the two official languages, whichever one suits the accused.

The second change, as it reads in proposed section 530.01(1)(a), is this:

... cause any portion of an information or indictment against the accused that is in an official language that is not that of the accused or that in which the accused can best give testimony to be translated into the other official language ...

Senator Oliver used the words “the charging document.” That is the common reference that is given to an indictment or an information. Everyone in Canada is charged the same way. The charging document, which is found in the forms of the Criminal Code, is Form 2. Form 1 is entitled “Information to Obtain a Search Warrant” and Form 2 is entitled “Information.” Form 2 is in French and English, and you fill in the blanks.

The form states, in part, that the informant “says that” or if he has no personal knowledge “believes on reasonable grounds” that so-and-so did, on such-and-such a day, commit the offence of such-and-such, contrary to section such-and-such of the Criminal Code.

That is what is referred to here as being the document that will be translated. That is the second change of only two changes to the right to be tried in the language that one chooses from the two official languages in Canada.

Perhaps, honourable senators, that is rather inadequate. As everyone understands, Form 2 does not really tell the accused anything, does it? It identifies the section of the code he or she is charged under. If the person is charged with assault, the form will read that so-and-so has violated a particular “Assaults” section under the Criminal Code and will note the date and place the alleged assault took place. The form does not really tell the individual anything.

The point is this: We may claim under section 530 that our accused in this country have a right to a trial in the language of their choice, one of the two official languages. They do not. They absolutely do not, as Senator Chaput has pointed out, because the law only covers the preliminary inquiry and the actual trial, the trier of fact and the evidence. The law does not cover appeals.

As Senator Chaput has just pointed out, from the interest groups who have appeared before the House of Commons committee — I have not read this, but I am sure she is correct — with the passage of this bill, a person will only have a right in Canada, under section 530, to be given a portion of the charging document, without being given disclosure on what he or she is facing, and then a preliminary inquiry, if needed or chosen, and then a trial. That is, in over 90 per cent of the cases, only the proceeding before the provincial court. An individual has no right vis-à-vis the superior court of the province, on appeal. He or she has no right under the law. The individual then has no right to the language of his or her choice in the Court of Appeal, if it goes there, or in the Supreme Court of Canada. The person has no right to have pre-trial Charter arguments in his or her language of choice, at which evidence is heard.

In other words, in a *voir dire*, evidence is entered to determine whether evidence would be excluded and, in some cases, to determine whether a stay would be entered, if, in fact, section 24(1) of the Charter is violated to such a degree that the judge gives a judgment that says a judicial stay should be entered in this particular case.

Only the preliminary inquiry and the trial in the first instance, the trier of fact, is actually covered by section 530 of the Criminal Code. I notice that Professor Oliver is speaking to the judge to his right; they are conversing about this, trying to figure out whether I am right or wrong. I can see that my argument is hitting home.

I am not saying, honourable senators, that this bill is a step backward. It is not.

Senator Oliver: Exactly.

Senator Baker: In this particular instance, the bill is a step forward because it has two additional provisions: the translation of, as Senator Oliver calls it, the charging document, or the indictment, or, as it is called under section 2 of the Criminal Code, the Information. It provides a translation of that at the beginning, for all it is worth.

An individual is also provided, whether or not the person is represented, the right to a trial in the language of his or her choosing, that is, French or English, not Inuktitut, if the individual is in Nunavut.

That is quite a drawback, honourable senators. Many trials take place every day in Nunavut and Northern Quebec — and, as the senator points out, in northern Labrador. As we read the case law every day, most of the trials take place in Nunavut and Northern Quebec. The language of choice there, of course, is Inuktitut. There is a second language, I notice, in the case law.

• (1450)

Section 530 makes provision for the second of the two official languages of choice of the accused, and an interpreter is provided, because an interpreter is provided under section 14 of the Charter. There is an incredible number of cases in which an interpreter must be provided in one's language in order that one can understand what is going on.

Honourable senators, we should be paying much more attention to our senators from Nunavut or Northern Quebec who say how unfair it is for a trial to take place when the accused does not understand anything that is happening.

We ought to be examining whether the Charter of Rights and Freedoms is being violated. Under section 10(b) of the Charter, if one is arrested, one has a right to immediately be told why one is arrested and to immediately be given access a telephone in order to consult and instruct counsel. If one is arrested on the northern tip of Nunavut, one is still covered by the Canadian Charter of Rights and Freedoms.

Most of the superior court judges who try these cases are from northern Alberta, and some are from Ontario. It was nice to see, in the case this past year of *Kooktook*, that the judge threw the case out, saying that these people were covered by the Canadian Charter of Rights and Freedoms and that he would not put up with any nonsense. He made the interesting observation that he had never tried a case in which he did not believe the accused. Even though they would be convicting themselves, he has never seen a case where someone, in his estimation, has lied to the court.

The Hon. the Speaker *pro tempore*: I regret to advise the honourable senator that his speaking time has expired.

Are you asking for an extension of five minutes, Senator Baker?

Senator Baker: Yes, thank you, Your Honour.

There is a portion of this bill that was not addressed by Senator Oliver or by the House of Commons. I made a phone call about an hour ago and learned that the subject was not addressed in the minister's statements or by anyone else, and that is the section dealing with gambling. As senators know, there is a big market for Internet gambling in Canada. Online poker is huge. This bill will end that, and that has not been brought up by anyone.

The onus is placed on the Internet service provider. After 9/11, the Americans brought in a law to outlaw Internet gambling. They called the law "an act to outlaw Internet gambling." They made it illegal to hold or transfer money within the United States that is related to Internet gambling and instructed the Government of the United States to negotiate with the foreign countries where the casinos were to make that illegal.

What has the Canadian government done? The Canadian government has removed the words "telephone and telegraph" from an old section that deals with gambling. Clause 5, on page 2 of this bill, would replace paragraph 202(1)(i) of the act with, in part:

... sends, transmits, delivers or receives any message that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering. . . .

The head note to the bill says, "The enactment amends the description of the offence of conveying information on betting. . ." Those words were written in the old days when one dealt with a book-maker over the telephone. Today we have the Internet, and this outlaws transmission via Internet. Every Internet provider — Rogers and Bell being the big ones in Canada — will now be committing a criminal offence if they transmit such information. The problem is that the Internet service provider is now responsible for knowing everything that is being transmitted on the Internet. A lawyer or a doctor might have a website on which confidential information is held for clients or patients.

Under this proposed legislation, the Internet provider will have to know what is being transmitted on the Internet. That subject has not been mentioned in the House of Commons nor in any committee thereof, although the bill has been through committee twice in the other place, under two different ministers. Not one word has been said about this. That is very sloppy.

Look out, Rogers and Bell. Rogers and Bell should be witnesses that the committee should consider calling regarding this bill in order that the Senate can undertake a thorough examination.

Other than that, I think this proposed legislation is an improvement to the existing law.

Hon. Serge Joyal: Honourable senators, Senator Baker has raised a very important point about the languages that the Aboriginal people of Canada should be allowed to speak and be spoken to in Canada's criminal justice system.

Senator Watt and other senators on both sides of this chamber are very concerned about the status of Aboriginal languages in federal institutions. As Senator Baker mentioned, section 22 of the Charter of Rights and Freedoms protects the rights of Aboriginal people. Honourable senators may remember that I had the privilege of participating in the debate and study of

section 22 of the Charter. It is entitled "Rights and privileges preserved," and the section reads as follows:

Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

This means that in Canada, according to legal or customary rights or privileges, some languages other than French or English have rights and privileges. What are those other languages?

• (1500)

Honourable senators, we find the definition in the Supreme Court of Canada's decision in the famous case from 1996, *R. v. Van der Peet*. From paragraph 30 of the court decision, the Supreme Court of Canada recognizes the following:

The doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries. It is this fact, and this fact above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

I want to underline this: "Aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries."

Honourable senators, Aboriginal peoples had a legal system. It was a customary system, and is recognized by section 35 of the Constitution of Canada. The traditions and rights issued from that system are recognized as far as languages are concerned under section 22 of the Charter.

Therefore, we are dealing with languages that should be recognized and entrenched into criminal proceedings. There should be a federal jurisdiction and responsibility. There are implications, rights and privileges that pertain to Aboriginal peoples of Canada. It is important that when we go through those sections of the Criminal Code to have the opportunity at the legal and committee levels to hear witnesses on the issue of languages. I believe the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs. Our chamber has a special duty and constitutional responsibility to ensure that minority rights and those of the Aboriginal peoples of Canada are recognized. If there is a recommendation to be brought forward in this chamber, we have an obligation to do so.

Some Hon. Senators: Hear, hear!

Hon. Lillian Eva Dyck: Honourable senators, I wish to make some brief comments. I take to heart the comments that have been raised this afternoon with regard to Aboriginal languages and culture.

I wish to bring a comment to the attention of the members of the Senate and presumably to the committee that will look at this bill. In Saskatchewan in 2001, Aboriginals comprised 14 per cent

of the population. While Aboriginals are a minority in Canada, they are a majority in the prison system. Although I do not know the exact figure, I believe the estimate is something like 80 per cent of the prison population is Aboriginal. The majority of the prison population is men. If one looks at prisons for women, most of those prisoners are also Aboriginal. It is important to look at this issue.

I do not know what percentage of those who are incarcerated speak an Aboriginal language as their first language, but I suspect it is a significant number. In order for those people to understand what the current legislation means to them in their daily lives, in order for them to understand the consequences of their actions and in order for them to get a fair trial, this must be taken into account.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Oliver, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mira Spivak: Honourable senators, as I consider the Speech from the Throne and the pre-and-post game commentaries, the mini-budget, and its pre-and-post game commentaries, I am struck by how much our world has changed in the last 12 months.

Twelve months ago, the eminent British economist, Sir Nicholas Stern, released his report on the economics of climate change. He warned that every tonne of CO₂ we emit today causes an estimated \$85 worth of damage. The cost to reduce emissions to avoid the worst impact is about 1 per cent of global GDP each year. The cost of doing nothing is equivalent to at least 5 per cent of GDP.

Sir Nicolas Stern said: "Establishing a carbon price, through tax, trading or regulation, is an essential foundation for climate change policy."

The usual suspects, such as the Pembina Institute and the National Roundtable on the Environment and Economy have repeatedly called on the government to set a carbon price.

There are others who advocate tax shifting to deal with climate change; that is, to drastically lower taxes on things we want to encourage, such as corporate profits and personal income taxes and savings, while drastically raising taxes on things that need to be discouraged such as consumption, pollution and specifically greenhouse gases. This concept has been in currency for some two decades.

Among those advocating a carbon tax and shifting taxes are Don Drummond, the Toronto Dominion Economics Chief Economist; the *National Post* columnist, Andrew Coyne; Jack Mintz, former president of the C.D. Howe Institute; and Tom d'Aquino.

The fact that these champions of business interests are now yearning for a price on carbon and, in some instances, environmental tax shifting, is evidence that the world has changed. However, the government's agenda set out in the Speech from the Throne has not taken note of these suggestions from many sources.

Last March, Don Drummond was first off the mark with his report entitled *Market-Based Solutions to Protect the Environment*. He said that environmental taxes promote both economic efficiency and greater fairness because they help to ensure that polluters bear the cost of actions. He said:

Environmental taxes are best applied where pollution is created and the revenues should not be a 'revenue-grab' by the government. Rather the revenue should be used to lower other taxes in the economy or to finance subsidies that help the environment. This is known as "tax shifting" and can provide additional positive impacts on the economy when environmental tax revenues help reduce existing taxes that currently create economic distortions including disincentives to working or investing.

Jack Mintz, now C.D. Howe fellow-in-residence, very publicly advised the government. In a call for comprehensive tax reform released in September, Mr. Mintz suggested that governments

increase sales tax rates, rather than reduce the GST as this government has done. He proposed what he described as an "intriguing possibility" to

... shift taxes on "goods" — investment and savings that most affect Canada's productivity — to "bads" by, for example, broadening the existing federal-provincial fuel-excite taxes to include other energy sources. Canada would have a low-rate, broad-based, consumption-based environmental tax to price the cost of environmental damage that affects Canadian lives. An environmental tax would be needed as part of an overall government strategy to deal with carbon and pollutants such as sulphur and nitrogen oxides. . . .

• (1510)

The notion of a carbon tax has been anathema to virtually every elected federal politician except David Anderson and, of course, Green Party leader Elizabeth May.

Among the provinces, only Quebec has had the courage to introduce very modest levies — 0.8 cents a litre for gasoline and 0.96 cents for heating oil, for example. Now the B.C. finance minister is musing about introducing one.

The *National Post's* Andrew Coyne suggested the unmentionable twice this fall. He wrote, "Tax carbon and other environmental blights to discourage their consumption, and you could lighten the tax burden on income still further"

Further, in some gratuitous advice to Stéphane Dion following his speech to the Economic Club of Toronto, Mr. Coyne wrote:

Whisper it, Liberals, if you dare: a carbon tax. Conspicuously missing from both parties' global warming plans, it is universally regarded as political poison. But what if revenues from a carbon tax were used to slash — and I mean slash — income taxes? Then what you have is a cleaner environment, a more productive economy — and maybe a winning political strategy.

Even the Canadian Council of Chief Executives, headed by Mr. d'Aquino, urged carbon price signals in a policy declaration released in early October.

The price signal is an important means to ensure that energy use reflects its environmental costs, and these signals can be strengthened through market-based mechanisms such as emissions trading and environmental taxation.

Not surprisingly, these blue-ribbon friends of business also wanted the government to slash corporate income taxes and personal income taxes. Mr. Mintz pointed out that corporations in Canada faced the twelfth highest rate in the world. While Canada was reducing its combined federal-provincial corporate income tax rate to 30.5 per cent by 2011, it would still remain above the tax-revenue-maximizing rate of 28 per cent. In other words, governments would gain more revenue by reducing the rate further. After the mini-budget corporate rate cut, he called for provinces to reduce their corporate rates further to bring the combined rate to 25 per cent.

More telling was his assessment of marginal personal tax rates on labour income and savings, "especially for individuals with modest incomes" — those he describes as the "many struggling Canadians."

With clawbacks under income-tested programs combined with payroll taxes, personal marginal tax rates on employment and savings (outside of pensions and RRSPs) are in excess of 70 per cent, . . .

I find this hard to believe but that is what he says.

... far higher than those faced by the richest Canadians. Major reform is needed to improve the situation, which to this point has only been tentatively addressed by incremental changes to tax policies.

Instead of increasing the personal income tax rate for the first bracket — as this government did only to roll it back in the mini-budget — Mr. Mintz in September said the rate should be reduced from 15.5 per cent to 12 per cent and there should be a sharp increase in the exemption level and a new approach to clawbacks.

A study released early this month by the Canadian Centre for Policy Alternatives points to the same need from a different perspective. It points out that a decade of tax cuts by Ottawa and the provinces have reduced the tax rate paid by the richest 1 per cent of Canadians by 4 percentage points. Meanwhile, the poorest 20 per cent of taxpayers are paying 3 to 5 percentage points more; and middle-income families pay about 6 percentage points more in total taxes than families in the top 1 per cent.

To fund reductions in distorting taxes on investment and savings, Mr. Mintz said the government could turn to increased reliance on consumption taxes, as countries throughout the world are doing. An environmental carbon tax is one important example. The other possibility Mr. Mintz posed was a rise in the rate of the GST. However, the Speech from the Throne and mini-budget cut the GST again to fulfill a campaign promise, so it certainly did not head in this direction.

Corporate rates were cut and the increase in the rate on the lowest tax bracket was reversed, returning it again to 15 per cent and the basic exemption was increased. The reduction in personal income tax amounts to less than 11 per cent of the Finance Minister's tax breaks or about \$1.5 billion, prompting Mr. Drummond to describe it as "a derisory amount."

It prompted Mr. Mintz to write in the *Financial Post*, under the headline "How to Fix the GST Mistake" that, "Conservatives should be slapped on their hands for a tax cut that does little to improve Canada's competitive position."

To fix this "inferior" federal policy is smart provincial policies, he now suggests. Increase consumption taxes at the provincial level through valued-added taxes, sales tax hikes or environmental levies that could pay for further provincial cuts in corporate and personal income taxes.

But why should the provinces correct the policy of the federal government? It is a good question.

On climate change, the Speech from the Throne promises steep reductions that are deep in the fog of “intensity targets” and shifting base years for determining those reductions. It gives one line to a carbon emissions trading market, which will require the setting of a carbon price. Whether that market will influence the behaviour of anyone beyond a few hundred industrial emitters depends on how it is structured and the ultimate price.

As Sir Nicholas wrote:

To reap the benefits of emissions trading, schemes must provide incentives for a flexible and efficient response In order to influence behaviour and investment decisions, investors and consumers must believe that the carbon price will be maintained into the future.

The national round table, when asked by the government for targets and scenarios for medium and long-term reductions in greenhouse gases and air pollutants, was clear that, “A very strong price signal is required to simulate deep GHG reductions by 2050.” And the cost of “fast and deep” reductions is roughly half as much as “slow and deep” reductions.

There is one other note in this very sexy speech, which is about the North. The Speech from the Throne promises more patrol ships just weeks after the government relaxed pollution rules for Canadian navy ships now plying Arctic waters. These new rules allow captains to dump garbage and raw sewage. Commanding officers are concerned about “. . . accumulated food remnants stored in garbage bags on decks during ever-increasing global warming summers.”

But what about the fragile ecosystem? There are better solutions to our problems than those with which we are presently faced.

On motion of Senator Tardif, debate adjourned.

• (1520)

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On Senate Public Bills, No. 6:

Second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).—(*Honourable Senator Carney, P.C.*)

Hon. Pat Carney: Honourable senators, if I may, I would ask the Deputy Leader of the Government what his intentions are in respect of Bill S-217, given that I have spoken to it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the government critic is not ready yet.

Senator Carney: Who would that be?

Senator Comeau: The assignment has not been made.

Senator Carney: Could the deputy leader please advise the house as to when this assignment will be given?

Senator Comeau: The assignment will be made as soon as possible. We have a number of assignments according to my list before me. Just picture the front line of an army when an officer asks for a volunteer and you see everyone move back two steps. I am trying to get someone to take the assignment before he or she has a chance to step back.

As honourable senators might guess, we do not have many people to come forward to volunteer for all the projects before the house but this will be done. I am serious that we are doing our best to find someone to take on the critic's role.

Senator Carney: Honourable senators, I will double-check that I have moved second reading. I have been advised by the table that I have not done so.

Order stands.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerard A. Phalen moved second reading of Bill S-218, An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Phalen*)

He said: Honourable senators, I rise to introduce Bill S-218, in order to provide assistance and protection to victims of human trafficking. After attending meetings with interested parties in both Ottawa and Montreal and after attending the 2007 Human Trafficking Forum in Vancouver, I am even more convinced of the need for this new legislation. Bill C-218 is essentially the same as Bill S-222, which I introduced last session. At that time, I made a long speech outlining all of the terrible statistics on human trafficking. I will not provide that information again but instead I will simply refer honourable senators to my speech in this chamber on February 1, 2007.

If we needed any proof that this proposed legislation continues to be necessary, we need only look at the case we learned about this past spring in Quebec. In that case, a young Ethiopian woman was brought into Canada and forced into labour in the home of a Quebec couple. This young woman was forced to work nonstop; did not have access to identity papers; was not allowed outside of the residence alone; and was prohibited from using the telephone. Her employers repeatedly told her that Canadian authorities would send her back to her country if she talked to anyone about her situation. Thankfully, the RCMP launched an investigation into this case and laid the first charges under the Criminal Code provisions of Bill C-49, which was introduced by the then Liberal government and passed by this chamber on November 25, 2005.

Honourable senators, imagine being in that woman's shoes. Imagine if you would accept what you believe to be an honest job opportunity and come to a foreign country where you find yourself basically imprisoned, your papers withheld, and forced to labour 24/7 while not being allowed even to use the telephone. These are the kinds of circumstances in which victims of trafficking can find themselves. Many find themselves forced into prostitution.

As I said to honourable senators in the introduction of this bill's predecessor, we need an approach that recognizes that victims might not speak the language, have no money, do not know anyone except their traffickers, have no way to earn a living and live in fear of being deported.

Honourable senators, I could go on and on telling stories of victims of trafficking. There is the horrific story of the investigation by the International Justice Mission of 45 Cambodian children under the age of 15, who were being offered for sexual exploitation, often to foreign tourists, including Canadian citizens. There is the sickening case of 37 Cambodian girls, who were thankfully rescued from brothels by a joint International Justice Mission and Cambodian National Police operation. These girls included nine who were between the ages of 5 and 10. Obviously, the problem of human trafficking is not going away. In a world where a child in India costs only \$13 to \$14, it is clear that the problem of trafficking in human beings is far from being resolved. At an estimated \$9.5 billion annually, the industry continues to be more profitable than the drug trade and arms smuggling.

What do we do? In 2005 we passed Bill C-49, which updated our Criminal Code to clearly identify the crimes of human trafficking. This was a necessary first step. In December 2005 there was an announcement by the Minister of Citizenship and Immigration of a 120-day permit to allow victims of trafficking a period of reflection. This past June, 120 days was altered to 180 days by the minister. At the time of the 2005 announcement, the Canadian Council for Refugees put out a press release that Senator Andreychuk quoted in this chamber. The press release said in part:

These measures mean that the government will begin to treat trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Like many other organizations, the CCR has been calling for this policy change for several years — we are very pleased that Minister Solberg has responded to this call.

However, honourable senators, the balance of the press release that was not quoted by our colleague continued:

The announcement today marks what can only be the first step in efforts to ensure that trafficked persons in Canada receive fair and humane treatment. There remains considerable work to be done in ensuring that trafficked persons on Temporary Resident Permits have access to all of the necessary services, such as social assistance. There is also a need to develop long-term protection measures for these people for whom staying in Canada is the best option, as well as ensure appropriate awareness-raising, training and coordination of all relevant actors, including various levels of government, police forces, NGOs and service providers.

• (1530)

Honourable senators, before I get into the details of this legislation, I will address the issue of current guidelines because that is what they are, simply guidelines.

There is a significant difference between guidelines and regulations. I believe that a system designed to assist victims of trafficking must be one that is firmly set in regulations that cannot be changed on a whim by subsequent governments. We

cannot leave the rights of victims of trafficking up to the interpretation of guidelines by officials. I believe it is our responsibility to ensure that the rights of victims are clearly defined in legislation.

The current guidelines allow victims of trafficking to stay in Canada for up to 180 days and, when warranted, for a longer period of time. These regulations governing the issuance of short-term visas for victims of trafficking clearly say that the immigration officer can consider issuing a short-term permit for up to 180 days on the understanding that the individual will return to the officer for a more complete examination should a subsequent short-term permit be desired.

Honourable senators, I believe this current system re-victimizes victims to a certain extent. Victims currently have to return time and again to an immigration officer to ask for further or longer extensions to the 180-day short-term visa. Bill S-218, instead of forcing victims to repeatedly deal with a bureaucracy that they are poorly equipped to handle, ensures that victims move from short-term visas to victim protection permits allowing them to remain in Canada for up to three years.

Honourable senators, Bill S-218 provides victims the same benefits as the current system in regard to the processing fees and access to the Interim Federal Health Program. It is important to note that the guidelines for Interim Federal Health Program benefits in the current system state that health coverage for victims is limited to the 180-day reflection period. It is my belief that years of abuse cannot be wiped out and victims miraculously cured in 180 days.

In contrast, Bill S-218 allows victims to apply for a three-year visa, which also grants them the status of a permanent resident for the purpose of eligibility for medical or social programs or programs of social assistance. If these victims stay in Canada, they will need a helping hand to get started. They will need legal assistance, language training, continuing medical services and other forms of social assistance. Bill S-218 provides victims the status necessary to access these social programs.

I will now outline a comparison of how the current system deals with the issue of victim participation in the investigation and prosecution of traffickers and the provisions in Bill S-218. It was suggested in this chamber when I introduced this proposed legislation in the last session that the bill was coercive and unhelpful because it required victims to testify against their traffickers.

Let me be clear, honourable senators: Clause 24.2(b) of Bill S-218 sets out three distinct qualifications for the granting of temporary residency to victims. Victims will qualify if there is a serious possibility that they or a member of their family would suffer hardship, retribution or other harm if they were removed from Canada; or — and I emphasize the “or” — if they were willing to comply with any reasonable request for assistance in the investigation or prosecution of their traffickers; or — and I emphasize the “or” again — if it was otherwise warranted. The third option is the only change between Bill S-222 of the previous session and the current Bill S-218.

It has been suggested in this chamber that to include testifying against one's traffickers as one of the possible qualifications for remaining in Canada would be contrary to the position of the government that victims are victims.

I have read the current Citizenship and Immigration Canada document IP 1, Temporary Resident Permits. These regulations have virtually the same wording as Bill S-218. This is not contrary to the idea that victims are victims. Instead, Bill S-218 also considers that the victim's family is also often in danger if the trafficking victim is returned to his or her country, so it also includes the victim's family in its considerations.

The other difference between Bill S-218 and the current guidelines is that while both would allow victims to remain in the country if they are willing to cooperate with law enforcement, Bill S-218 specifies that law enforcement must be reasonable in the request for assistance.

Again, I wish to be perfectly clear: Bill S-218 does not make it mandatory for victims to cooperate with law enforcement; it simply makes it possible for victims who wish to participate in the prosecution of their traffickers to qualify for a visa on that basis. I included the option of staying in Canada by cooperating with law enforcement because I believe it is difficult for law enforcement to convict traffickers without the cooperation of their victims and also because I believe victims obtain a certain closure by participating in the prosecution process.

The other and perhaps most important differences between Bill S-218 and the current system are that Bill S-218 legislates short-term visas as victims' rights, not simply guidelines for immigration officers, and Bill S-218 then provides victims with a clear path to permanent residency and social benefits.

Honourable senators, Bill S-218 not only deals with the residency status of victims of trafficking, but it also legislates hotline, referral-assistance and awareness-raising responsibilities of the Minister of Health. It has been suggested to me that outlining the responsibilities of the minister in such detail is leaning towards micromanaging.

Honourable senators, many people in the current government speak about the privileges they have set up for victims. I am not interested in simply granting privileges. I am interested in legislating rights. These victims do not need privileges that can be taken away at any time. These victims need rights that are detailed in legislation and that will remain their rights. If it takes some micromanaging to ensure these rights, then I am happy to do so. If it takes some micromanaging to ensure the minister provides hotline and referral services, then I am happy to do so.

In closing, I hope that this session will finally see this proposed legislation taken seriously and that it will be dealt with in a timely manner. This important issue should be dealt with by Senate committees before our country's systems re-victimize another unfortunate victim.

On motion of Senator Andreychuk, debate adjourned.

• (1540)

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Cochrane*)

She said: Honourable senators, I am pleased to move second reading of Bill S-220. This is the third time we have tried to get this bill through Parliament since 2004. Hopefully, the third time is the charm, as they say. I again bring forward this proposed legislation with the help of my colleague, the Honourable Senator Mercer from Nova Scotia, as well as that of several members of Parliament representing all political parties.

Bill S-214, the previous bill, was successfully passed here and went to the other place where it reached committee stage. In the other place, many of our colleagues from all political parties supported the bill, many had personal stories to tell, but the bill died on the Order Paper as a result of prorogation. As honourable senators are aware, if we return the bill to the other place in 60 sitting days, it will proceed to committee right away.

Honourable senators, I am pleased to have been asked to again lead this all-party effort to support the designation of a national blood donor week and to pass this bill as soon as possible. I encourage you to do so and humbly ask for your support. This is a simple bill; however, it is intended to have a very large impact on Canadians. We committed to show our support to the Canadian Blood Services and Hema Quebec in recognizing the efforts of all blood donors in Canada. We were committed when first asked, and we are still committed.

This bill provides an opportunity for Canadians to take the time to celebrate and thank everyone who contributes their time and blood products to help their fellow Canadians. In supporting a national blood donor week in Canada, we will join millions of citizens around the world in celebrating donations of blood, plasma, platelet and bone marrow. Those donations are true acts of heroism, and that is why, honourable senators, I ask you to pass this bill through second reading now.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, if I understand correctly, Senator Munson wanted to speak at second reading because this is the first speech on this bill. We would then go on from there.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

On motion of Senator Tardif, debate adjourned in the name of Senator Munson.

THE SENATE

MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal:

That the Senate urge the Government of Canada to update the 1989 *Phosphorus Concentration Regulations* to prevent the growth of toxic algae in Canada's lakes, rivers and streams.—(*Honourable Senator Tardif*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): I move adoption of the motion.

Motion agreed to.

[English]

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:

That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he “does not intend to appoint senators, unless necessary” represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, “When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.”;

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.—(*Honourable Senator Tkachuk*)

Hon. Wilfred P. Moore: Honourable senators, with regard to the motion standing in my name, I wonder if Senator Tkachuk could indicate when he will speak.

Hon. David Tkachuk: In due time.

Senator Moore: That may be humourous to some, but the matter was tabled on October 18, and it was not new. It was introduced in the first session of this Parliament on May 29. I would expect that something will happen very soon.

Senator Tkachuk: That is true, but it was new to me.

Senator Moore: The honourable senator was in the chamber. Perhaps he was not paying attention.

Order stands.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

That, the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and the work accomplished by the Committee on the subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Friday, June 27, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Fisheries and Oceans be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Translation]

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Art Eggleton, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Art Eggleton, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY
FEDERAL GOVERNMENT RESPONSIBILITIES
TO FIRST NATIONS, INUIT AND METIS PEOPLES

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada.

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

• (1550)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES
RELATED TO NATIONAL AND INTERNATIONAL
HUMAN RIGHTS OBLIGATIONS AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY
INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to monitor the implementation of recommendations contained in the Committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, tabled in the Senate on April 25, 2007;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY CASES
OF ALLEGED DISCRIMINATION IN HIRING
AND PROMOTION PRACTICES AND EMPLOYMENT
EQUITY FOR MINORITY GROUPS IN FEDERAL
PUBLIC SERVICE AND REFER PAPERS AND
EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY LEGAL ISSUES
AFFECTING ON-RESERVE MATRIMONIAL REAL
PROPERTY ON BREAKDOWN OF MARRIAGE
OR COMMON LAW RELATIONSHIP AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 31, 2008.

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Maria Chaput, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

**COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE**

Hon. Maria Chaput, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Official Languages be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until Thursday, November 22, 2007, at 1:30 p.m.

CONTENTS

Wednesday, November 21, 2007

	PAGE		PAGE
SENATORS' STATEMENTS			
Nineteenth Commonwealth Parliamentary Seminar		Lobbying—Implementation of Federal Accountability Act Provisions.	
Hon. Joan Fraser	266	Hon. Robert W. Peterson	270
National Child Day		Hon. Marjory LeBreton	270
Hon. Sharon Carstairs	266	National Defence	
Cost of Post-secondary Education		Policy on Bilingualism.	
Hon. Mira Spivak	266	Hon. Claudette Tardif	270
The Late Honourable Maurice Riel, P.C., Q.C.		Hon. Marjory LeBreton	270
Hon. Jerahmiel S. Grafstein	267	Hon. Roméo Antonius Dallaire	271
The Honourable Wilbert J. Keon, O.C.		Foreign Affairs	
Congratulations on Receiving 2007 Champion of Health Research Award.		Prince Edward Island—Passport Office.	
Hon. W. David Angus	267	Hon. Catherine S. Callbeck	271
		Hon. Marjory LeBreton	271
		Prime Minister's Office	
		Correspondence from Karlheinz Schreiber.	
		Hon. Grant Mitchell	272
		Hon. Marjory LeBreton	272
		Deportation of Karlheinz Schreiber.	
		Hon. Grant Mitchell	272
		Hon. Marjory LeBreton	272
		Hon. Sharon Carstairs	272
ROUTINE PROCEEDINGS			
Speaker's Visit to Poland, Slovakia, and Austria		Foreign Affairs	
June 25-July 4, 2007—Report Tabled	268	Development Assistance Accountability Bill—Legislative Progress.	
Speaker's Visit to United Kingdom of Great Britain and Northern Ireland and Republic of Ireland		Hon. Roméo Antonius Dallaire	273
May 18-26, 2007—Report Tabled	268	Hon. Marjory LeBreton	273
Aging		Heritage Lighthouse Protection Bill (Bill S-215)	
Report of Special Committee Pursuant to Rule 104 Tabled.		Second Reading Debate—Correction.	
Hon. Sharon Carstairs	268	Hon. Pat Carney	273
Internal Economy, Budgets and Administration			
Report of Committee Pursuant to Rule 104 Tabled.		ORDERS OF THE DAY	
Hon. George J. Furey	268	Canada-United States Tax Convention Act, 1984 (Bill S-2)	
Speech from the Throne		Bill to Amend—Third Reading	273
Address in Reply—Termination of Debate on November 27, 2007—Notice of Motion.		Criminal Code (Bill C-13)	
Hon. Gerald J. Comeau	268	Bill to Amend—Second Reading.	
Donkin Coal Block Development Opportunity Bill (Bill C-15)		Hon. Maria Chaput	273
First Reading	268	Hon. George Baker	275
Assemblée parlementaire de la Francophonie		Hon. Serge Joyal	277
Bureau Meeting and Ordinary Session, July 2-6, 2007—Report Tabled.		Hon. Lillian Eva Dyck	277
Hon. Andrée Champagne	269	Referred to Committee	278
Foreign Affairs		Speech from the Throne	
Notice of Motion to Authorize Committee to Study Issues Related to Foreign Relations		Motion for Address in Reply—Debate Continued.	
Hon. Consiglio Di Nino	269	Hon. Mira Spivak	278
Arthritis		International Boundary Waters Treaty Act (Bill S-217)	
Notice of Inquiry.		Bill to Amend—Second Reading—Order Stands.	
Hon. Gerald J. Comeau	269	Hon. Pat Carney	280
		Hon. Gerald J. Comeau	280
QUESTION PERIOD			
Industry		Protection of Victims of Human Trafficking Bill (Bill S-218)	
Takeovers by Foreign State-owned Enterprises.		Second Reading—Debate Adjourned.	
Hon. Céline Hervieux-Payette	269	Hon. Gerard A. Phalen	280
Hon. Marjory LeBreton	269	National Blood Donor Week Bill (Bill S-220)	
		Second Reading—Debate Adjourned.	
		Hon. Ethel Cochrane	282
		Hon. Gerald J. Comeau	282
		The Senate	
		Motion to Urge Government to Update Phosphorus Concentration Regulations Adopted.	
		Hon. Claudette Tardif	283

	PAGE
The Senate	
Motion Urging Governor General to Fill Vacancies—Order Stands.	
Hon. Wilfred P. Moore	283
Hon. David Tkachuk	283
Fisheries and Oceans	
Committee Authorized to Study Issues Relating to New and Evolving Policy Framework for Managing Fisheries and Oceans and Refer Papers and Evidence from Previous Session.	
Hon. Claudette Tardif	283
Committee Authorized to Permit Electronic Coverage.	
Hon. Claudette Tardif	284
Committee Authorized to Engage Services.	
Hon. Claudette Tardif	284
Social Affairs, Science and Technology	
Committee Authorized to Permit Electronic Coverage.	
Hon. Art Eggleton	284
Committee Authorized to Engage Services.	
Hon. Art Eggleton	284
Aboriginal Peoples	
Committee Authorized to Permit Electronic Coverage.	
Hon. Robert W. Peterson	284
Committee Authorized to Study Federal Government Responsibilities to First Nations, Inuit and Metis Peoples.	
Hon. Robert W. Peterson	284
Committee Authorized to Engage Services.	
Hon. Robert W. Peterson	284

	PAGE
Human Rights	
Committee Authorized to Engage Services.	
Hon. A. Raynell Andreychuk	284
Committee Authorized to Permit Electronic Coverage.	
Hon. A. Raynell Andreychuk	285
Committee Authorized to Study Issues Related to National and International Human Rights Obligations and Refer Papers and Evidence from Previous Sessions.	
Hon. A. Raynell Andreychuk	285
Committee Authorized to Study International Obligations Regarding Children's Rights and Freedoms and Refer Papers and Evidence from Previous Sessions.	
Hon. A. Raynell Andreychuk	285
Committee Authorized to Study Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service and Refer Papers and Evidence from Previous Sessions.	
Hon. A. Raynell Andreychuk	285
Committee Authorized to Study Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship and Refer Papers and Evidence from Previous Sessions.	
Hon. A. Raynell Andreychuk	285
Official Languages	
Committee Authorized to Engage Services.	
Hon. Maria Chaput	286
Committee Authorized to Permit Electronic Coverage.	
Hon. Maria Chaput	286



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



